

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3005 OF 2012

Balkrishna Manikrao Patil.

...Petitioner

versus

The State of Maharashtra and others.

...Respondents.

...

Mr. Prashant K.Deshmukh, Advocate for the petitioner.

Mr. V.S.Chaudhari, AGP for respondents No. 1 and 2.

Mr. Bhushan Kulkarni, Advocate, for respondent no.3.

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CORAM : SUNIL P. DESHMUKH & P.R. BORA, JJ.

Dated: January 17, 2018

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PER COURT :-

1. Heard learned counsel Mr.P.K.Deshmukh for petitioner, learned counsel Mr. Bhushan Kulkarni appearing for respondent No.3, and learned A.G.P.

2. Petitioner is before this court being aggrieved by rejection of his claim for grant of freedom fighter's pension. Petitioner claims that he had participated in an agitation in 1948 against the then Nizam Government and the agitation was in the nature of resisting Razakars from attacking Hindu persons, and to assist freedom fighters.

3. Petitioner had applied for freedom fighters pension in September, 1999. His claim had been placed before Zilha Gaurav Samiti, Osmanabad and it had recommended his case for sanctioning him pension. However, the Collector had found that although the case had been so recommended, claim of petitioner fails to comply with requirements pursuant to Government resolution dated 4-7-1995.

4. Learned counsel Mr. Prashant Deshmukh, referring to eventual rejection of his claim for freedom fighters pension, by sending communication dated 27-09-2009, purports to contend that it is difficult to comply with requirements as are stipulated in aforesaid Government Resolution as there would hardly be any document available to show that he had to abandon his residence, school and undergo hardship, etc. He purports to refer to a decision of this Court in Writ Petition No.2831 of 2000 and companion writ petition.

5. Learned Counsel Mr. Bhushan Kulkarni submits that so far as compliance with the requirements under the Resolution is concerned, the same has been validated by this Court and has also been upheld by the Supreme Court. He further submits that the decision of the Division Bench of this

Court is distinguishable on facts. Perusal of the decision relied upon by petitioner shows that the petitioners therein had placed before this Court quite some material to lend credence to the claim; whereas, in the present petition, petitioner, save and except format application and the communications by respondents, has not placed anything in support of his claim in the writ petition.

6. In the circumstances, the decision communicated by respondent to petitioner would hardly be liable to be faulted with.

7. The Writ Petition, as such, is dismissed.

(P.R. BORA)
JUDGE

(SUNIL P. DESHMUKH)
JUDGE

agp/