

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7096 OF 2018

Yadavrao s/o Mhsaji Hiwale

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. V.M. Humbe, advocate for petitioner.
Mr. S.B. Yawalkar, A.G.P. for respondents.

**CORAM : R.M.BORDE &
MANGESH S. PATIL, JJ.
DATE : 11th SEPTEMBER, 2018**

PER COURT:

1. Petitioner is claiming freedom fighters' pension on account of his participation during the freedom struggle for liberation of Hyderabad.

2. Petitioner claims that he was undergone freedom fighter and participated in freedom struggle for liberation of Hyderabad. The conditions requisite for grant of freedom fighters' pension are laid down in the Government Resolution dated 4th July, 1995 those are :-

That the applicant who claims to have participated in the freedom struggle had undergone miseries as a result thereof such as
a) Had to leave residence.

b) had to abandon education or was removed from the educational institution as a result of his activities or

c) had to suffer bodily disability as a result of beating administered by the police.

3. Learned counsel for petitioner, in order to substantiate his contentions, has placed reliance on an unreported judgment in the matter of Kishansinha s/o Tukaramsinha Chandel vs. State of Maharashtra and other connected matters decided by Division Bench of this Court on 26.07.2010. However, the facts giving rise to the aforesaid petitions are totally different. In the instant matter, the District Gourav Samiti itself has turned down the claim of the petitioner.

4. We have perused the material produced by the petitioner. It does not reveal that the petitioner was put to such suffering recorded in Government Resolution dated 04.07.1995. The material produced by petitioner falls short of the requirements laid down under the Government policy. Pension on account of participation in the freedom struggle shall have to be granted on fulfillment of the requirements laid down in the Government policy. In the instant matter, prima facie, we are not satisfied as regards fulfilment of requirements by the petitioner. The petitioner is thus not entitled to claim freedom fighters' pension under the scheme. Petition is devoid of substance, hence stands rejected.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE