

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

2 WRIT PETITION NO. 11846 OF 2014

NAGAN @ NARAYAN MANIK GAVANDI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Suryakant S. Pawar, Advocate for the
Petitioner.

Mr. S. K. Tambe, AGP for Respondent-State.

Mr. Bhushan Kulkarni, Advocate for the Respondent
No.4.

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**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATED : 18th SEPTEMBER, 2018.

PER COURT:-

1. Mr. Pawar, learned counsel for the petitioner submits that Zilla Gaurav Samiti had recommended the claim of the petitioner for grant of freedom fighter pension. The matter was also placed before the High Power Committee. In fact, the High Power Committee had granted the freedom fighter pension to the petitioner, but then the Ministry had changed and matter was again placed before the Hon'ble Chief Minister, it was rejected. The learned counsel submits that the petitioner has satisfied all the requirements. Only one requirement was not satisfied according to the respondents that is the petitioner required to

leave house or education or disability had occasioned because of the participation in the freedom fighter movement. The learned counsel submits that the Chairman of the High Power Committee had asked the questions to the petitioner. The petitioner replied and stated that he had to leave his education, the same has not been considered by the Authorities. The learned counsel submits that the petitioner had submitted the affidavits of two freedom fighters who had undergone imprisonment and Zilla Gaurav Samiti had also recommended the claim of the petitioner, but only on the technical ground the same is rejected.

2. The learned A.G.P. supports the order.

3. This Court on 5th January 2015 had observed thus:

"1. After hearing the arguments, it is observed that the petitioner does not fulfill requirements laid down in paragraph no.1 of Government Resolution dated 31.08.1995. Although the petitioner has stated in the affidavit tendered with the application that as a result of his participation in freedom movement, he was required to leave education, there is absolutely no evidence produced in that regard.

2. Counsel appearing for the petitioner seeks time for presenting evidence, if available. With a view to extend on more opportunity to the petitioner, the writ petition stands adjourned for two weeks, to be listed in urgent category."

4. We had asked Mr. Pawar, learned counsel for the petitioner as to whether he has some additional evidence available. This Court had already opined on 5th January 2015 that the petitioner does not fulfill requirements laid down in paragraph 1 on the Government Resolution dated 31.08.1995 and the matter was adjourned so as to enable the petitioner to present any additional evidence, if available. Mr. Pawar, learned counsel for the petitioner submits that the additional evidence now is not available.

5. In view of the above and the order dated 5th January 2015 of this Court, the petitioner's claim cannot be considered.

6. Writ Petition as such is disposed of.
No costs.

(S. M. GAVHANE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-18

Devendra
Nandkumar
Kale

Digitally signed
by Devendra
Nandkumar Kale
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