

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

WRIT PETITION NO. 12004 OF 2017

Trimbak S/o Lahanu Shirsath

Petitioner...

Versus

The State of Maharashtra & Ors.

Respondents...

.....

Mr Manoj U. Shelke, Advocate for the petitioner

Mr S. S. Dande, AGP for respondent/State

Mr Bhushan B. Kulkarni, Advocate for respondent No. 2

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**CORAM : R. M. BORDE &
A. M. DHAVALA, JJ.**

DATE : 12TH JULY, 2018.

PER COURT:-

1. The petitioner is objecting to the order passed by the State Government refusing to consider the claim of the petitioner for Freedom Fighters' Pension from the date of first application. The petitioner claims that, he tendered the application for grant of Freedom Fighters' Pension in the year 2006, however, his claim was turned down. On second occasion, he tendered the application on 04.10.2015 and the said request made by the petitioner has been turned down on 16.02.2016. On consideration of the directives issued by this Court in Writ Petition No. 5892 of 2013 presented by

the petitioner, the State Government reconsidered the claim of the petitioner for grant of Freedom Fighters' Pension. The petitioner tendered a new evidence in the form of Urdu document in respect of issuance of warrant to support his claim on 03.05.2016. The additional evidence tendered by the petitioner in the year 2016 was verified by the State Government and on consideration of the evidence tendered by the petitioner in the year 2016, the claim of the petitioner for grant of Freedom Fighters' Pension has been allowed.

2. The State Government relying upon the decision in the matter of Union of India vs. Kaushalaya Devi (Civil Appeal No. 783/2007) has decided to grant the Freedom Fighters' Pension in favour of the petitioner from the date of order granting pension and not from the date of the application. In the aforesaid judgment, the Supreme Court has observed that, the date from which pension can be granted, can be decided by the authority. Reliance is also placed on the Government Resolution dt. 30.07.2016, wherein the policy decision has been taken by the State Government to consider the claims for grant of Freedom Fighters' Pension from the date of the sanction and not from the date of the application.

3. In the instant case, even otherwise, it is noticed that the petitioner has tendered the additional documentary evidence only in

the year 2016, which was considered by the State Government for taking decision favourable to the petitioner.

4. We do not find any unreasonableness in the decision taken by the State Government in awarding Freedom Fighters' Pension to the petitioner from the date of the order.

5. The petition being devoid of merits, stands dismissed.

[A. M. DHAVALA]
JUDGE

[R. M. BORDE]
JUDGE

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