

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 11036 OF 2018

1. Patilba s/o Nagu Kakade
age 85 years, occ. nil
r/o at post Nandur (Nimbadaitya)
Tq. Pathardi, Dist. Ahmednagar
2. Smt. Vimal wd/o Bhagwan Joshi
@ Kshirsgar,
age 83 years, occ. nil
r/o Kojagiri Housing Society (Nivara)
at post Tq. Kopargaon, Dist Ahmedngar
3. Smt. Satyabhamabai wd/o Yamaji Kadam
age 82 years, occ. nil
r/o at post Dahegaon Khorhale
Tq. Rahata, dist. Ahmednagar

Petitioners

Versus

1. The State of Maharashtra
Through its Secretary
General Administration Department
Mantralaya Mumbai 32.
2. The District Collector Ahmednagar
Freedom Fighter Cell,
Dist. Ahmednagar.

Respondents

Mr. P.R. Nangare, advocate for petitioners.
Mr. P.S.Patil, AGP for both respondents.

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.
DATE : 3rd OCTOBER, 2018.**

JUDGMENT : (Per R.M. Borde, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally at admission stage with the consent of learned

counsel for the respective parties.

3. The issue raised in the instant petition is no more *res-integra* and is covered by the decision rendered by the Division Bench of this Court at Nagpur in Writ Petition No. 1868 of 2005 and other companion matters decided on 14th June, 2017. The facts giving rise to the instant petition are also identical in all respects to the facts arising in the decided matters.

4. Petitioners are challenging the reduction in the amount of monthly pension of Rs.3,000/- granted to them under the scheme of Swatantra Sainik Samman Pension, 1980 which has been brought down to Rs.500/- p.m. The policy of the State Government adopted on 16.11.2014 directing reduction in the amount of pension was a matter of challenge in the aforesaid petition. The Division Bench of this Court at Nagpur directed quashment of the Circular/Order dated 16.11.2004 bearing No. Misc. 2004/CR-161/04/FFC1 issued by the General Administration Department of the State of Maharashtra and restrained the respondents from reducing or recovering any amount of pension payable or paid to the petitioner by the State Government. The Division Bench further directed respondents in the petition to pay to the petitioners all arrears of pension at the rate of Rs.3,000/- per month with effect from 16.11.2004 after deducting the amount, if any, already paid. The directions were to be complied within a period of four months from the date of the order. In view of the directions, instant petition can also be disposed of by directing the respondents to pay pension amount @Rs.3,000/- per month from 31.03.2004 to petitioners no. 1 and 2

and from 11.01.2007 to petitioner no. 3, excluding amount already paid and further increments payable under the policy. The petitioners shall be refunded the amount which has already been deducted, if any. The directions recorded above shall be complied within a period of four months from the date of this order.

5. Rule is accordingly made absolute. There shall be no order as to costs.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

dyb