

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 11942 OF 2018

Laxman Dhondiram Bhadange
Age 87 years, occ. Nil
r/o Ward No. 7, Davkhar Vasti
Ramchandranagar, Shrirampur
Tq. Shrirampur, Dist. Ahmednagar

Petitioner

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 petitioner.
Mr. S.W. Munde, AGP for both respondents.

WITH
WRIT PETITION NO. 11944 OF 2018

- 1 Pandurang s/o Sayaji Gaikwad
Age 85 years, occ. Nil.
R/o Gandhinagar, At Post Kopargaon
Tq. Kopargaon, Dist. Ahmednagar
2. Smt. Vithabai wd/o Arjun Chaphe
Age 83 years, occ. Nil
R/o Kauthichi Talim, Maliwada
Tq. Nagar, 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 petitioner.
Mr. P.S. Patil, AGP for both respondents.

**CORAM : R.M.BORDE &
MANGESH S. PATIL, JJ.
DATE : 24th October, 2018**

JUDGMENT :

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 petitions 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 petitions are also identical in all respects to the facts arising in the decided matters.
4. The 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 Misc. No. 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 petitions can also be disposed of by directing the respondents to pay pension amount @ Rs. 3,000/- p.m. From 31.03.2004 to the petitioners, 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 made absolute accordingly. No costs.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

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