

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
1004 WRIT PETITION NO.9612 OF 2019**

CHAMPABAI GANGADHAR MAMDE

..PETITIONER

VERSUS

GOVERNMENT OF INDIA AND ANOTHER

..RESPONDENTS

...

Mr. Sushant C. Yeramwar, Advocate for the
Petitioner.

Mr. V. M. Kagne, AGP for Respondents-State.

Mr. Kiran M. Nagarkar, Advocate for Respondent
No.3.

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**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.
DATED : 22nd NOVEMBER, 2019.**

PER COURT:-

1. The petitioner is awarded freedom fighter dependent family pension in the year 2005. The petitioner is required to submit life certificate every year in the month of November to the Bank. It appears that, upto November 2014, the petitioner regularly submitted life certificate, but after November 2015 could not submit the life certificate and the petitioner thereafter approached on 21.03.2017 with the life certificate. However, as the same was not submitted within one year, it was not accepted. The petitioner is now again given freedom fighter dependent family pension from 31.03.2018.

2. The issue is about the freedom fighter dependent family pension from November 2015 till 20.03.2018.

3. The benevolent intention of the scheme is required to be considered. The age of the petitioner also will have to be considered. The lapse on the part of the petitioner is not intentional. Subsequently, the life certificate has been submitted and the pension is continued. The petitioner had approached on 21.03.2017 to the Bank with the life certificate. For the technical flaw, the claim of the petitioner for the interregnum period need not be negated.

4. Naturally, the survival of the petitioner would be upon the freedom fighter dependent family pension. Hardship would be faced by the petitioner.

5. Considering all the aforesaid aspects of the matter, we direct respondents to pay the petitioner the freedom fighter dependent family pension for the period November 2015 to 20.03.2018. The same shall be paid preferably within a period of four (04) months.

6. Writ Petition accordingly allowed. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE