

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

52 WRIT PETITION NO.11352 OF 2014

KUNDLIK GANPATI MANE, LRS MALANBAI KUNDLIK MANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Thombre S.S.
AGP for Respondents:Mr. P.G. Borade

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CORAM : **S. V. GANGAPURWALA & AVINASH G. GHAROTE, JJ.**

Date: December 16th, 2019

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PER COURT :-

1 The husband of the petitioner was granted Freedom Fighters pension. Subsequently the order is passed canceling the pension on the ground that the husband of the petitioner did not participate in the freedom fighting activities. Similarly situated persons had filed Writ Petitions No.2106 and 2107, 2112 of 2008 before this Court. This Court dismissed the writ petitions. The petitioners filed SLP before the Apex Court. The Apex Court considered the special circumstance such as the age of the petitioners and allowed the SLP and directed to pay Rs.3,000/- towards arrears of pension and that the pension will continue till the death of the persons.

2 In the present matter, the person who was granted freedom fighters' pension is already dead. No further question arises for continuation of freedom fighters pension to the

petitioner.

3 Considering the Judgment of the Apex Court in Civil Appeals No.10237-38 of 2014 dated 21.10.2016, we direct the respondents not to claim recovery from the petitioner for the amount of pension granted to the deceased. The same would be equitable in the facts and circumstances of the present case.

4 With the aforesaid observations and directions, writ petition is disposed of.

5 In view of disposal of the writ petition, pending Civil Application also stands disposed of.

(AVINASH G. GHAROTE, J)

(S. V. GANGAPURWALA, J)

vbd