

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

WRIT PETITION NO.8374 OF 2018

**TRIVENIBAI GANPATRAO HOLIKAR.
Through L.Rs. Shri Ashok Ganpatrao Holikar
VERSUS
THE UNION OF INDIA THROUGH THE SECRETARY
MINISTRY OF HOME AFFAIRS AND ANOTHER**

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Advocate for the Petitioner : Shri Ashtekar R.K.
Standing counsel for respondent 1 : Shri B.B. Kulkarni
AGP for Respondent 2 : Shri S.G. Sangle
Advocate for Respondent 3 : Shri A.V. Rakh

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**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 12th October, 2021

Per Court :-

1. We have considered the grievance of the petitioner. There is no dispute that Late Shri Ganpatrao Holikar was the freedom fighter and was receiving the freedom fighter pension from the Central Government. On 13.06.2014, he has passed away. His widow Smt.Trivenibai was legally entitled to the pension in view of clause 12 of the Swatantra Sainik Samman Pension Scheme, 1980, which was formerly known as the Freedom Fighters' Pension Scheme, 1972. Smt.Trivenibai is said

to have passed away on 31.08.2018. Her son (Ashok Holikar) aged about 56 years has been brought on record. According to the pension scheme, the payment of such freedom fighter pension concludes with the demise of the spouse, who has survived the freedom fighter, unless an unmarried daughter is a legal heir. In the instant case, there is no unmarried daughter of the couple.

2. We are informed, on the basis of the pleadings, that due to some technical glitch, the payment of pension for the months December, 2014 till September, 2016, has not been paid. The pension for the months of October, 2016 to April, 2018 has been paid. Such pension was stopped for the months of May, 2018 to August, 2018. Apparently, there is no reason to stop the payment of pension as there is no legal impediment and now the widow of the freedom fighter has passed away on 31.08.2018.

3. In view of the above, this Writ Petition is partly allowed. We direct respondent No.1/ Union of India as under :-

(a) The pension amount for the periods 01.12.2014 to 30.09.2016 and 01.05.2018 to 31.08.2018 shall be computed as per the rates that were admissible at the relevant time and the said amount shall be paid to the legal heir Shri Ashok Ganpatrao

Holikar by depositing the amount in his bank account, details of which are as under:-

*“State Bank of India, Branch Chandra Nagar, Latur.
Branch Code : 20037
IFSC : SBIN0020037
MICR : 413002055
Account No.: 52069490090
Name : Ashok Ganpatrao Holikar”*

(b) The above computed amount of pension shall be deposited in the above account as expeditiously as possible and preferably on or before 15.12.2021.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)