

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 PUBLIC INTEREST LITIGATION NO. 105 OF 2013

BHAURAO DAGADU PARALKAR AND ORS
VS
THE STATE OF MAHARASHTRA AND ANR

Mr. N. L. Jadhav, Advocate for the petitioners
Mr. A. R. Kale, AGP for the respondent No.1

CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ

DATE : 29-03-2022

P. C.

1. This PIL was filed by Bhaurao Paralkar, Dr. Sakharampant Bangale and Kishanrao Rajurkar, for issuing direction to recover the arrears of pension given to 298 bogus freedom fighters, to terminate the services of nominees of those 298 bogus freedom fighters who are in the services of Government and Semi-Government.

2. This court issued various directions from time to time in this writ petition tried as PIL. In view of demise of all the petitioners, this Court appointed Shri. N. L. Jadhav, a counsel of this court as Amicus Curiae to assist the court. The

learned Amicus Curiae assisted this Court from time to time and based on such assistance, this court issued various directions. The Hon'ble Supreme Court appointed a committee headed by Shri. Justice A. B. Palkar a former judge of this Court to look into the allegations made in the petition. The Hon'ble Shri Justice Palkar, submitted a report before this court opining that the allegations made by the petitioners in writ petition were correct. In view of the report submitted by the Hon'ble Judge further directions were issued by this Court to initiate action against the alleged freedom fighters and their nominees.

3. Smt. Sarita Bandekar, Deputy Secretary, General Administration Department, Mantralaya, Mumbai filed an affidavit on behalf of respondent Nos.1 and 2 on 16-03-2021. With the assistance of the learned Amicus Curiae, this court passed the order on 21-01-2021 recording statement made by the learned AGP that in compliance with the earlier orders passed by this Court, appropriate action has been initiated to stop payment of pension to bogus freedom fighters as well as to take away the benefits/concessions to the family members of such freedom fighters.

4. The State Government issued Government Resolution, General Administration Department dated 21-03-2007, thereby stopping the pension and other benefits of 298 bogus freedom fighters as well as issued orders to the Collector to collect the Sanman-Patra from these 298 bogus freedom fighters. It is provided that legal heirs of the said bogus freedom fighters have been withdrawn. Recovery of the previous freedom fighters pension was imposed and charge-sheet against those freedom fighters for cheating the Government was also imposed.

5. It appears that some of the aggrieved parties initiated various proceedings against the State Government, thereby imposing the action initiated by the State Government canceling their pension benefits. By order dated 25-11-2013, the Hon'ble Supreme Court allowed those appeals filed by some of the aggrieved parties and set aside the order passed by this Court. The Hon'ble Supreme Court directed the State Government that the pensionary benefits granted by the State Government only in respect of such parties who had approached the Hon'ble Supreme Court and not to their legal

heirs/representatives shall be granted.

6. The State Government thereafter issued Government Resolution dated 11-02-2014 to cancel the nominations of 298 bogus freedom fighters and to terminate nominees of these bogus freedom fighters who had secured government jobs on the basis of nomination made by some of the freedom fighters. The State Government accordingly canceled the nominations of 107 nominees of these bogus freedom fighters vide order dated 06-09-2017 and 16-09-2017. The State Government issued instructions to the appointing authority to terminate the services of the nominees of the bogus freedom fighters vide letter dated 09-10-2018.

7. It is stated in the affidavit that as per the report of the Collector Office, Beed dated 20-02-2021 and 09-03-2021 out of 298 bogus freedom fighters, 107 bogus freedom fighters gave their nominations. Accordingly, 62 bogus nominated persons had taken the benefit of the Government service on the basis of bogus nominations. Out of which services of 52 persons have been terminated. Statement furnishing details

of the same is attached as Annex-A to the affidavit. It is stated that termination of the 10 persons could not be acted upon for the reasons mentioned in annexure-B of the said list. 45 bogus nominated persons had not been taken in the Government service.

8. The learned AGP states that the State Government is defending the proceedings filed by some of the employees before the various forums and would continue to defend some proceedings rigorously and in accordance with law. Statement is accepted.

9. It is submitted that the departmental proceedings initiated against some of the employees who secured job on the basis of such nominations made by such false freedom fighters would be passed in accordance with law. The Statement is accepted.

10. In our view the State government has taken substantial steps and has stopped the benefits taken by such fraudulent freedom fighters and by their nominees. We accept the statement made by the learned Government Pleader that in respect of the balance employees who have filed certain proceedings

or who are facing some departmental enquiries, the State Government would defend those proceedings rigorously and in accordance with law.

11. We appreciate the valuable assistance rendered by Shri. Jadhav who was appointed as Amicus Curiae by this court. With the assistance of the learned Amicus Curiae, this Court could issue various directions to the State Government which are complied with. In our view, the interest of justice has been met with in view of the directions issued by this Court have been complied with. We direct the the State Government to be more vigilant while issuing such certificates in favour of the freedom fighters and while accepting the nominations that would be made by freedom fighters in future. The State Government shall also follow the guidelines prescribed by the Justice Shri Palkar in future.

12. With these directions, writ petition converted into PIL is disposed of.

[S. G. MEHARE, J.]

[R. D. DHANUKA, J.]