

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

WRIT PETITION NO. 10565 OF 2017

Asarabai W/o Nana Kolhe,
Age : 73 Years, Occu. : Nil,
R/o Khalegaon, Tq. Georai,
Dist. Beed.

.. Petitioner

Versus

- 1 Union of India,
Through its Secretary,
Ministry of Home Affairs,
Freedom Fighters Division,
2nd Floor, NDCC-II Building,
Jai Singh Road,
New Delhi -1100 001.
2. The State of Maharashtra,
Through its Secretary,
General Administration Department,
(Freedom Fighter Division)
19th Floor, Madam Cama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai – 32.
3. District Collector,
Collectorate Office, Beed.
4. Additional Collector,
Collectorate Office, Beed.
5. State Bank of India,
Centralized Pension Processing Center,
(CPPC), 5th Floor, Premises No. T-651
& T-751, I.T.C. Belapur, CBD Belapur
Railway Station Complex,
Navi Mumbai 400 614,

Through its Chief Manager
(CPPC Mumbai)

6. State Bank of India,
Branch Georai, Main Road,
Mondha Naka, Georai,
Tq. Georai, Dist. Beed.
Through its Manager.

.. Respondents

Shri Ankush N. Nagargoje, Advocate for the Petitioner.
Shri Bhushan B. Kulkarni, Standing Counsel for the Respondent
No. 1.
Shri A. S. Shinde, A.G.P. for the Respondent Nos. 2 to 4.
The Respondent Nos. 5 and 6 are served.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.
DATE : 04.08.2022.**

ORAL JUDGMENT (*Per Mangesh S. Patil, J.*) :-

. Rule. Rule is made returnable forthwith. With the consent of parties taken up for final hearing at the stage of admission.

2. It is a matter of payment of freedom fighter's pension to the petitioner. After hearing the parties, there seems to be no dispute on facts. The petitioner's husband Nana Kolhe was getting freedom fighter's pension and died on 29.11.2014. Pursuant to the regulations which govern the freedom fighter's pension, the petitioner submitted the application to the State Bank of India on 08.01.2015. It appears that the bank was not sure about her identity and the genuineness of the claim being put forth, for variety of reasons. There was some internal

communication between its branch at Georai and its C.P.P.C. Mumbai. Admittedly, after everything was sorted out, she was found entitled to claim freedom fighter's pension, which was accordingly allowed with effect from 15 December 2017.

3. The dispute only seems to be in respect of the date from which the petitioner would be entitled to claim the family pension. The issue is *no longer res-integra*. In the matter of **Mukund Lal Bhandari and others Vs. Union of India and others** reported in ***AIR 1993 SC 2127(1)***, it has been specifically laid down that the pension under the scheme should be made payable from the date on which the application is made, whether the application is accompanied with the necessary proof of eligibility or not.

4. Meaning thereby that even if the respondents were initially in doubt as to the genuineness of the claim and were insisting for proof, the right of the petitioner to claim pension from the date of application is indefeasible. No sooner she had submitted the application she was entitled to claim pension from that date. Any period spent by the respondents in verifying the claim is inconsequential.

5. The writ petition is allowed. The petitioner is entitled to claim pension from the date of her application i. e. 08.01.2015. All the arrears shall be paid to her within a period of twelve (12) weeks from today.

Rule is made absolute in above terms. No costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 22