

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

WRIT PETITION NO.6854 OF 2023

**LAXMIBAI BABURAO MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for the Petitioner : Shri Shinde Tushar Chandrakant
AGP for the Respondents/State : Shri S.B. Yawalkar
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 23rd June, 2023

Per Court :-

1. We have considered the submissions of the learned Advocate for the Petitioner and the learned AGP. Perusal of the record placed before us unquestionably proves that the deceased husband of the Petitioner, Baburao More, was the Freedom Fighter and he was receiving the Freedom Fighter's Pension. He passed away on 12.08.2012. Thereafter, the pension should have been continued, to be paid to the Petitioner being his widow. The record also indicates that the District Collector's office at Ahmednagar has noted that the legally wedded wife of the deceased Freedom Fighter Baburao More is the present

Petitioner Laxmibai. As such, if Baburao More has passed away, Laxmibai should be receiving the pension until she is in this world.

2. The learned Advocate for the Petitioner submits that the payment of Freedom Fighter's pension has been resumed from the month of March, 2023 and the Petitioner is now receiving the said pension regularly.

3. The learned AGP sought time to take instructions. After a pass over, the learned AGP placed before us a six pages compilation, which is collectively marked as "X-1" for identification. The Resident Deputy Collector, Ahmednagar, informs the learned AGP that the case of the Petitioner has been forwarded to the Central Pension Processing Cell, Mumbai (CPPC).

4. There is no dispute that the Petitioner is entitled to the State Freedom Fighter's Pension Scheme besides the Central Freedom Fighter's Pension, which pension she is receiving regularly without any interruption.

5. Page 3 of X-1 indicates that the State Bank of India has also issued the certificate, which is forwarded to the CPPC. The CPPC, Mumbai, has informed the State Bank of India,

Branch Shevgaon, through email sent to Vinayak Kshatriya, that the Collector's sanction letter is to be received by the CPPC in original and the signature of the Sanctioning Authority has to be verified and confirmed by the Branch Officer. It was informed that the sanction is given by the Tahasildar as it appears from the sanction letter and it should be checked whether, the Tahasildar has been given the powers to give sanction for Freedom Fighter Pension on behalf of the District Collector or both are one and the same.

6. Shri Vinayak Kshatriya, SBI Branch, Shevgaon, has then informed the CPPC, Mumbai office that the Petitioner used to received the Freedom Fighter's State pension till November, 2015. Her pension got suspended due to non submission of the life (*sic*. Live) certificate. It was stated that the Petitioner has approached the Branch office for continuation of pension and arrears, from December, 2015. The application of the Petitioner and the Collector's order copy is received in that regard. It was, therefore, stated that the suspension on the pension account needs to be lifted. This email is dated 31.03.2023.

7. The learned Advocate for the Petitioner has pointed out the circular dated 23.11.1984, which provides for investing

the power in the District Collector to complete the process and grant the Freedom Fighter's pension.

8. In view of the above, **this Writ Petition is disposed off** with the direction to the Respondents to ensure that the arrears of the Freedom Fighter State Pension scheme are cleared and paid to the Petitioner within 45 (forty five) days from today, failing which, we would consider the conduct of the Respondents as a contemptuous act.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)