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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 7020 OF 2024

GANGADHAR NATHA SALUNKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS

Mr.S.R.Andhale, Advocate for the Petitioners.
Mr.S.K.Tambe, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JULY 12, 2024

PER COURT :

1. We have heard the learned Advocates for the respective sides. There is no dispute that the father of the Petitioners was a freedom fighter, who was receiving freedom fighters pension. After his demise on 22.03.2009, the pension payment order has been issued in favour of the widow, who passed way on 07.01.2015.

2. It is well settled law that if there are arrears of family pension amounts towards the freedom fighter or his widow, it would have been payable to them, had it been paid during their lifetime. The

said amount would accumulate until the date of demise of the survivor. Further payment of freedom fighter's pension with the demise of freedom fighter and his widow, would not continue in favour of the LR's. However, accumulated arrears of pension would be liable to be paid to the LR's in equal proportion unless there is any legal impediment.

3 We have perused the detailed representation tendered by the son of the freedom fighter to the District Collector, Aurangabad dated 20.12.2023. We have also perused the communication by the Resident Deputy Collector to the Petitioner calling for certain documents, in response to which the letter dated 20.12.2023 has been submitted.

4. It cannot be debated that since a money issue is involved, all the documents required, have to be in place. We, therefore, permit the Petitioners to initiate appropriate steps for receiving the succession certificate. Documents which have already been tendered by them to the District Collector's Office, would be taken into account by the Authorities while dealing with the claim of these Petitioners. Once the

succession certificate is tendered, the Authorities would calculate the unpaid arrears of pension to the widow. By following the due procedure laid down in Law, the amount may be disbursed amongst the LR's of the freedom fighters.

5. The documents pertaining to the Central and State Pension approval orders, the Central and the State PPO order and the identity card of the deceased freedom fighter, shall not be demanded from the Petitioners. If the Petitioners have not opened a joint bank account or if some of the LR's have executed a Relinquishment Deed in favour of the Petitioners, such document shall be placed on record and the Bank Account shall be opened. This will be brought to the notice of the competent authority. On the submission of such documents, the Competent Authority shall ensure that the arrears are deposited in the said account, which is opened for the said purpose, preferably in 60 days. If they are short of time, a Civil Application may be filed for extension of time.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)