



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15588 OF 2023

BHAUSAHEB GOPINATH GUNJAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF SECRETARY AND
OTHERS

Mr. S. S. Dixit, Advocate for the Petitioners
Mr. A. B. Girase, GP for respondent/State

CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.

DATE : 6th MARCH, 2024

PER COURT :-

1. On 5th January, 2024, we have passed the following order:-

"1. We find that the State Government needs to file a reply in this matter since it appears that the Petitioners as well as those members in the list placed before the Court seeking benefit of Shrawanbal Seva Rajya Nivruttivetan Yojana, have children, have land any yet, intend to seek benefit of the GR dated 26th October, 2010. Let the State file it's reply on or before 25th January, 2024.

2. List this Petition on 5th February, 2024.

2. The learned Government Pleader points out that an affidavit-in-reply dated 1st March, 2024 has been filed through Mr. Atul Pandit Chormare, Deputy Collector (Revenue) Collectorate, Ahmednagar, Dist. Ahmednagar and it has been set out in paragraph Nos. 3, 4, 5 and 6 as under:-

"3. I say and submit that, the Union of India

introduced Indira Gandhi National Old Age Pension Scheme which is social assistance scheme and forms part of the National Social Assistance Programme which came into effect from 15/08/1995. The State Government also introduced Shravanbal Seva Rajya Nivrutti Vetan Yojana (श्रावणबाळ सेव राज्य निवृत्ती वेतन योजना)

The Eligibility Criteria:

I say and submit that, for the purpose of claiming assistance under this scheme, the following criteria shall apply.

i. The Age of the Applicant (Male/Female) shall be 65 years or higher.

ii. The Applicant must belong to household below poverty line according to criteria prescribed by the Government or the total annual family income of the Applicant below Rs.21000/-.

It is pertinent to note here that, so far as the person with disability are concerned, the condition of annual income is up to Rs.50,000/- and other criteria as per G.R. dated 20/08/2019.

Pattern of Assistance:

The Government provided social assistance as a pension of Rs.1500/- per month. The copies of the Government Resolution dated 26/10/2010, 12/06/2013, 20/08/2019 and 5/7/2023 are annexed herewith and marked as Exhibit R-1 collectively.

4. I say and submit that, this Hon'ble High Court vide its order dated 5/1/2014 directed to file reply in respect of the Applicant seeking benefits of Sharavanbal Seva Rajya Nivrutti Vetan Yojana having children or land and it intend to seek benefit of the scheme. As mentioned above, this scheme was introduced to provide social assistance for the old age person and the criteria is the person must have age more than 65 years and below to poverty line or annual family income of Rs.21000/-. The person though having children or land but belong to household below poverty line then they are eligible for the social assistance under this scheme. This issue of children is also clarified vide G.R. dated 12/06/2013 and now the

scheme was redefined vide G.R. dated 20/8/2019 and 5/7/2023.

5. I say and submit that, bare perusal of the order dated 26/6/2019 of the committee established under the above mentioned scheme, social assistance refused on the ground that the Petitioner having children and agriculture land. It seems that, in the G.R. the criteria is the person must be above age of 65 years and belong to household below poverty line or annual family income of Rs. 21000/- and other mentioned as per G.R. dated 20/08/2019. Therefore the Petitioner has to file fresh application to the committee thereby placing on record the eligibility criteria i.e. the documents showing age of the Applicant and the document issued by the competent authority showing that the Applicant belongs to household below poverty line or annual family income of Rs.21000/- and other criteria as per G.R. dated 20/08/2019.

6. I say and submit that, if the Petitioner submit fresh application along with the requisite documents, the same will be considered in view of the Government Resolutions.”

3. In view of the above, **this Writ Petition is partly allowed.** The impugned order stands set aside. The application tendered by the deceased and the widow, shall be deemed to be an application filed on behalf of the Petitioner-widow. The Revenue Authorities would consider the same for the purposes of the benefits under the *Sharavanbal Seva Rajya Nivrutti Vetan Yojana* as per the Government Resolution dated 5th July, 2023, within a period of 60 days from today.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp