



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 WRIT PETITION NO. 3199 OF 2022

1. Rajkamalsingh Lalsingh Gadiwale
2. Guruprasad Kaur d/o Lalsingh Gadiwale ...Petitioners

Versus

The State of Maharashtra and others ...Respondents

Advocate for the Petitioners : Mr. S.G. Rudrawar

AGP for Respondent Nos. 1, 2 and 5 : Mr. M.M. Nerlikar

Advocate for Respondent Nos. 3 and 4 : Mr. Madhur A. Golegaonkar

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**CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.**

DATED : 11 NOVEMBER 2024

PER COURT :-

The petitioners, who are claiming that their father was a freedom fighter and being his dependents, are now seeking to derive the benefits of Swatantrata Sainik Samman Pension Scheme, 1980, which was formerly known as Freedom Fighters' Pension Scheme, 1972.

2. We have heard both the sides.

3. At the outset, it is necessary to note, admittedly, the petitioners' father was never granted/awarded any pension under the aforementioned scheme. On this ground alone, the petitioners would

not be entitled to claim any family pension, claiming themselves to be the dependents of the deceased.

4. Independently, as per clause 3, the persons who are eligible as dependents have been enlisted, expressly stating that it could be mother, father, widower/widow if he/she has not since remarried, unmarried daughters. Admittedly, the petitioner No.1 is son and the petitioner No.2 is married daughter, *albeit*, it is being claimed by the petitioner No.2 that she was subsequently divorced. There is no such classification covering the daughter, who is divorcee, to be included as a family member.

5. Even the learned advocate for the petitioners could not point out as to how the divorcee daughter would be covered by the scheme to claim the pension on behalf of the freedom fighter.

6. There is no merit in the petition. It is dismissed.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

rlj/