

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10573 OF 2023

Balaso Bapu Desai. ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Prashant Bhavake, for the Petitioner.
Mr. Kedar P. Lad, for Respondent Nos. 2 and 3.
Mr. P.P. Kakade, Addl. G.P. a/w. Ms. Nisha Mehra, AGP for Respondent
No. 1/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 3rd MARCH, 2025

P.C. :

1. This Court has passed a speaking order on 16.1.2025 observing below paragraph 3 that the Petition could have been disposed off. But to assess the compliance of the directions set out in paragraph 3 regarding the grant of the pension in the backdrop of the Petitioner being a freedom fighter's nominee, that this case is listed today.

2. Considering the above and keeping in view that the inquiry, as to whether the Petitioner was a valid nominee of a freedom fighter, is going on for the past two decades, when the said Petitioner has worked for 37 years and superannuated, we do not find any purpose in keeping

the inquiry pending. The same shall stand concluded.

3. The learned Advocate for the Petitioner submits that the proposal for pension has been forwarded and a pension order has also been issued by the Deputy CEO, Zilla Parishad, Kolhapur, vide order dated 24.2.2025. However, one element of the said order, which is marked as 'X' for identification, is that a recovery of Rs. 5,58,000/- is contemplated against the Petitioner.

4. Considering the above, **this Petition is disposed off.** We record that the enquiry initiated 2 decades ago, to find out whether the Petitioner was validly nominated by a freedom fighter from freedom fighter's quota for employment, shall stand closed and filed.

5. Since the Petitioner is now required to initiate proceedings for assailing the contemplated action of withdrawal of recovery of amount, prayer clause (b) put forth in this Petition, is left open to be agitated in the Petition which the Petitioner now desires to file.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)