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

WRIT PETITION NO.4687 OF 2023

Smt. Lata w/o. Rangrao Deshpande
Since deceased, through her L.R.
Renukadas s/o. Rangraon Deshpande,
Age : 68 years, Occu : Pensioner
(Retired Lecturer), R/o. Deshpande Galli,
Ganesh Park, Parli-Vaijnath,
District – Beed. ..Petitioner

Versus

1. The Union of India,
Through: Under Secretary,
Ministry of Home Affairs,
Freedom Fighters & Rehabilitation Division,
West Zone Section, 2nd Floor, NDCC-II Building,
Jaising Marg, New Delhi.

2. The State of Maharashtra
Through: The Secretary, Home Department,
(Freedom Fighters Cell), Mantralaya,
Hutatma Rajguru Chowk, Madam Kama
Road, Mumbai.

3. The Collector, Beed,
District-Beed.

4. The Chief Manager,
State Bank of India, Centralized Pension Processing
Centre, 5th Floor, Premises No.T-651 & T-751,
I.T.C. Belapur, CBD Belapur Railway Station
Complex, Navi Mumbai, Maharashtra ..Respondents

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Shri. Sujeet D. Joshi, Advocate for the Petitioner
Shri. Nandkishor U. Yadav, Advocate for Respondent No.1
Shri. S. R. Wakale, AGP for Respondent Nos.2 & 3

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CORAM : NITIN B. SURYAWANSHI
AND
ABASAHEB D. SHINDE, JJ.

Reserved on : SEPTEMBER 03, 2026

Pronounced on : OCTOBER 05, 2026

JUDGMENT (PER: ABASAHEB D. SHINDE, J.) :-

. Rule. Rule is made returnable forthwith. With consent of the parties, the Writ Petition is heard finally at the stage of admission.

2. By this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner has put forth the following prayers:

> *"B) By issue of writ of mandamus or any other appropriate writ, order, or direction, the respondent No.1 may kindly be directed to release the arrears of family pension (w.e.f. February 2019 to January, 2023) against the PPO No.MHAFF0426616 (of late Rangrao Amrutrao Deshpande) and deposit the same in Pension A/c No.52071766588 (held by Late Lata Rangrao Deshpande) with State Bank of India, within a period of eight weeks.*
>
> *C) By issue of writ of mandamus or any other appropriate writ or direction in the like nature, the respondent No. 4 may kindly be directed to permit the present petitioner to withdraw the arrears of pension deposited by the office of respondent No.1."*

3. It is the case of the Petitioner that, his father and husband of late Smt. Lata Rangrao Deshpande was the recipient of the Freedom Fighters Pension from the State and Central Government since he had participated in the freedom struggle movement. His father expired on

28.01.2019. The father of the Petitioner was having two (2) wives viz. Pramila Deshpande and Lata Rangrao Deshpande. Pramila was the first wife. The legal heirs of the deceased freedom fighter applied for Heirship Certificate and the learned Civil Judge Junior Division, Parli-Vaijnath issued Heirship Certificate in their favour on 20.05.2019. First wife - Pramila expired on 15.06.2019. Even if she was nominee for receiving the family pension, she never claimed the same at any point of time.

4. It is further case of the Petitioner that, on 27.09.2021 in place of Pramila, name of the Petitioner's mother Lata was substituted as a nominee to receive family pension to the dependents of freedom fighter. She made an application to the office of Respondent No.1 for receiving the family pension. The Respondent No.1 called her upon along with the Petitioner to submit the requisite documents. The Petitioner on behalf of his mother complied with all the requisite documents as were directed to be complied with by Respondent No.1. Despite compliance of the requisite documents, the family pension to the dependents of freedom fighter was not paid to his mother. He made representation to the Respondent No.1 on 11.08.2022 thereby requesting the grant of Freedom Fighters Pension. Unfortunately, the mother of the Petitioner expired on 02.02.2023. The Petitioner, therefore, is before this Court being legal heir of mother Lata Rangrao Despande, seeking arrears of family pension to the dependents of freedom fighter for the period from

February-2019 to January-2023.

5. We have heard the learned Counsel for the Petitioner and the learned Counsel for Respondent No.1 and with their assistance, perused the record.

6. Indisputably, deceased Rangrao had two (2) wives. The names of both wives were mentioned in the original Pension Payment Order. The first wife never applied for family pension during her lifetime. However, in the sanction letter issued by Respondent No.1 on 03.09.2004, only the name of the first wife was mentioned. Merely because the name of the second wife i.e. the mother of the Petitioner, appears in the claim application and not in the identification documents, the Respondents have denied family pension to the dependent of the freedom fighter i.e. the mother of the Petitioner. The Respondents have admitted this fact in their Affidavit-in-reply. We thus find that, the Respondents have taken a hyper technical approach leading to frustrate the very object of providing the family pension to the dependents of freedom fighters. In this view of the matter and in peculiar facts and circumstances of the case, as none on behalf of first wife has claimed family pension, the Petitioner being legal heir of second wife of deceased Rangrao, he is entitled to the family pension to the dependent of freedom fighter. We are, therefore, inclined to allow this Writ Petition. In the result, we pass the following order.

ORDER

(A) The Writ Petition is allowed in terms of prayer clauses ‘B’ and ‘C’.

(B) Rule is, thus, made absolute in the above terms.

(ABASAHEB D. SHINDE, J.) **(NITIN B. SURYAWANSHI, J.)**

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