

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10237-38 OF 2016
[@ SPECIAL LEAVE PETITION (C) 19158-19159 OF 2015]

LALA LAXMAN KIRDAT & ETC. Appellant(s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

WITH

CIVIL APPEAL NO. 10239 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26120 OF 2015]

CIVIL APPEAL NO. 10240 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26121 OF 2015]

CIVIL APPEAL NO. 10241-51 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26122-26132 OF 2015]

CIVIL APPEAL NO. 10252 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26133 OF 2015]

CIVIL APPEAL NO. 10253-54 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26134-26135 OF 2015]

CIVIL APPEAL NO. 10255 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26136 OF 2015]

CIVIL APPEAL NO. 10256 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26137 OF 2015]

CIVIL APPEAL NO. 10257 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26142 OF 2015]

CIVIL APPEAL NO. 10258 OF 2016
[@ SPECIAL LEAVE PETITION (C) 24556 OF 2015]

CIVIL APPEAL NO. 10259-60 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26143-26144 OF 2015]

CIVIL APPEAL NO. 10261 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26145 OF 2015]

CIVIL APPEAL NO. 10262-64 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26146-26148 OF 2015]

CIVIL APPEAL NO. 10265 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26149 OF 2015]

CIVIL APPEAL NO. 10266 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26150 OF 2015]

CIVIL APPEAL NO. 10267 OF 2016
[@ SPECIAL LEAVE PETITION (C) 26118 OF 2015]

CIVIL APPEAL NO. 10268 OF 2016
[@ SPECIAL LEAVE PETITION (C) 31330 OF 2015]

CIVIL APPEAL NO. 10269-76 OF 2016
[@ SPECIAL LEAVE PETITION (C) 28151-28158 OF 2015]

CIVIL APPEAL NO. 10278 OF 2016
[@ SPECIAL LEAVE PETITION (C) 29378 OF 2015]

CIVIL APPEAL NO. 10279 OF 2016
[@ SPECIAL LEAVE PETITION (C) 30806 OF 2015]

CIVIL APPEAL NO. 10280 OF 2016
[@ SPECIAL LEAVE PETITION (C) 23106 OF 2016]

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. In an identical situation, this Court, by Order dated 25.11.2013 passed in Civil Appeal Nos. 10624-10636 of 2013, held as under :-

"1. Leave granted.

2. The appellants, in this batch of appeals, are calling in question the judgment and order passed by the High Court of Judicature at Bombay, Bench at Aurangabad in Writ Petition No.2106/2008, WP No.2107/2008, WP No.2112/2008, WP No.

2123/2008, WP No.2144/2008, WP No.
 2146/2008, WP No.2147/2008, WP No.
 2148/2008, WP No.2152/2008, WP No.
 2153/2008, WP No.2156/2008, WP No.
 2164/2008, WP No.2165/2008, dated
 14.10.2011. By the impugned judgment and
 order, the High Court has affirmed the
 orders passed by the State Government
 cancelling the pensionary benefits
 granted to all these appellants,
 presumably by relying on the report of
 Justice Palkar Commission.

3. In the appeals so filed, it is
 specifically averred by the appellants
 that they are all senior citizens. They
 also submit that at this ripe age, if
 they are deprived of the pensionary
 benefits, they would not be in a position
 to eke out of their livelihood. They also
 submit that the freedom fighters
 pensionary benefit so granted by the
 State Government ought not to have been
 withdrawn by passing the order/(s) on
 subsequent dates.

4. Per contra, Mrs. Asha G.Nair, learned
 counsel appearing for the State of
 Maharashtra submits that since the

appellants had obtained the freedom fighters pension by producing forged documents, they are not entitled for grant of any pensionary benefits and, therefore, the State Government was justified in withdrawing the pensionary benefits so granted to them earlier.

5. We have heard the learned counsel appearing for the parties to the lis.

6. In our opinion, keeping in view the age of the appellants and also keeping in view the fact that at this old age, if small benefit that was already granted to them is withdrawn, it may be difficult for them to sustain themselves. In that view of the matter, in the peculiar facts and circumstances of the case, the impugned judgment and order passed by the High Court requires to be set aside.

7. Accordingly, we allow these appeals and set aside the impugned judgment and order passed by the High Court. We further direct that the pensionary benefits granted by the State Government will enure only to the benefit of the appellants and not to their legal heirs/representatives. After the

bereavement of the appellant(s), the pensionary benefit so granted by the State Government will come to an end.

8. Since we have decided these appeals purely on facts and circumstances of each case, we clarify that this order shall not be treated as a precedent in any other case.

9. We quantify the arrears from the date of cancellation of the pensionary benefits till date at Rs. 3,000/- each payable to the appellants within three months from the date of receipt of a copy of this Court's order. No order as to cost.

Ordered accordingly."

3. Though the learned counsel appearing for the State submits that the said order has been passed having regard to the peculiar facts of that particular case and though, we find force in the submission made by the learned counsel for the State that in many of these cases, the appellants have actually not participated in any Freedom Struggle, however, taking note of the only fact that these cases arise out of the same batch of appeals, we feel that it may not be proper to take a different view.

Therefore, these appeals are also disposed of in terms of the order referred above.

4. We make it clear that the appellants shall be entitled to the arrears of pension, as on today, only to the extent of Rs. 3000/-.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
October 21, 2016.



JUDGMENT