

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 3671 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 507 OF 2016]

RAMBHAU S/O TULSHIRAM GHUGE Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA AND ORS. Respondent(s)

WITH

CIVIL APPEAL NOS. 3672-3673 OF 2018
[[@ SPECIAL LEAVE PETITION (C) NO.1502-1503 OF 2016]

WITH

CIVIL APPEAL NO.3676 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4731 OF 2016]

WITH

CIVIL APPEAL NO. 3675 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4730 OF 2016]

WITH

CIVIL APPEAL NO. 3678 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4733 OF 2016]

WITH

CIVIL APPEAL NO. 3674 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4729 OF 2016]

WITH

CIVIL APPEAL NO. 3677 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4732 OF 2016]

WITH

CIVIL APPEAL NO. 3681 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 9464 OF 2018]
[@ SPECIAL LEAVE PETITION (C)CC NO. 22021 OF 2016]

WITH

CIVIL APPEAL NO. 3679 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 37122 OF 2016]

WITH

CIVIL APPEAL NO. 3680 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 1165 OF 2018]

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellants approached the High Court seeking freedom fighters' pension. The High Court declined the prayer of the appellants. Hence, these appeals.
3. A few similarly situated persons had approached this Court leading to the order dated 25th November, 2013 in Civil Appeal Nos. 10624-10636 of 2013. The Judgment reads as follows :-

"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 the 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, the 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 Judgment 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 costs."

4. Having gone through the pleadings, we are of the view that in the peculiar facts of the case, in the interest of justice and for doing complete justice, a similar treatment is to be meted out to the appellants herein also. Accordingly, these appeals are disposed of in terms of the order as extracted above, making it further clear that the same may not be treated as a precedent.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

.....J.
[NAVIN SINHA]

New Delhi;
April 10, 2018.

ITEM NO.14

COURT NO.5

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 507 OF 2016

RAMBHAU S/O TULSHIRAM GHUGE

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA AND ORS.

Respondent(s)

(IA No.14485/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

WITH

SPECIAL LEAVE PETITION (C) NO.1502-1503 OF 2016

WITH

SPECIAL LEAVE PETITION (C) NO. 4731 OF 2016

WITH

SPECIAL LEAVE PETITION (C) NO. 4730 OF 2016

WITH

SPECIAL LEAVE PETITION (C) NO. 4733 OF 2016

WITH

SPECIAL LEAVE PETITION (C) NO. 4729 OF 2016

WITH

SPECIAL LEAVE PETITION (C) NO. 4732 OF 2016

WITH

SPECIAL LEAVE PETITION (C) ...CC NO. 22021 OF 2016]

WITH

SPECIAL LEAVE PETITION (C) NO. 37122 OF 2016

WITH

SPECIAL LEAVE PETITION (C) NO. 1165 OF 2018

(IA No.118584/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.118582/2017-CONDONATION OF DELAY IN REFILING SLP)

Date : 10-04-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s) Mr. Sandeep S. Deshmukh, Adv.
Mr. Nar Hari Singh, Adv.
Mr. Raghavendra Tripathi, Adv.

Mr. S. M. Jadhav, Adv.
For M/S. S.M. Jadhav And Company
(Appearance slip not given)

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The civil appeals are disposed of in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)