

SUPREME COURT OF INDIA

Lala Laxman Kirdat

Vs.

State of Maharashtra & Ors.

C.A.No.10237-38 of 2016

(Kurian Jopseh and R.F.Nariman,JJ.,

21.10.2016

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.19158-19159 of 2015

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, WPN0.2144/2008, 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They also submit that the freedom fighters pensionary benefit so granted by the State Government ought not to have been withdrawn by passing the order/(s) on subsequent dates.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appellants and also keeping in view the fact that at this old age, if small benefit that was already granted to them is withdrawn, it may be difficult for them to sustain themselves.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/-.

5. No costs.