

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 602 OF 2026

Writ Appeal under clause 15 of the Letters Patent to set aside the Order dated
05-03-2026 in W.P.No. 13738 of 2022 Writ Appeal on the file of the High
Court.

Between:

Smt. Javvaji Bharathi, W/o.Rathaiah, aged about 95 years, Occ.House hold,
R/o.Illuru Village, Madhira Mandal, Khammam District.

...APPELLANT /WRIT PETITIONER

AND

1. The Government of India, Freedom Fighters Pension/Grih Mantralaya Ministry of Home Affairs/Swatantrata Senani Prabhash, 2nd floor, NDCC - 11, Building, New Delhi-110001, rep. by its Secretary.
2. The Pay and Accounts Officer, (Pension and Misc.) Ministry of Home Affairs, 2/10, Jam Nagar House, New Delhi 110 011
3. The Central Pension Accounting office, Ministry of Finance, Department of Expenditure, Block no.II, Trikoot- Bhavan, Bhikaji Cama place, (Behind Hotel Hyatt Regency) R.K. Puram, New Delhi 110 066.
4. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
5. The Branch Manager, State Bank of India, Gandhi Chowk Branch, Khammam.

...RESPONDENTS/RESPONDENTS

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of impugned proceedings No.52/CC/18/2019-FF (C-C), dated 08-02-

2022 passed by the 1st respondent, pending disposal of the above Writ Petition in this Honble Court.

Counsel for the Appellant: SRI. T VASANTHA RAO

**Counsel for the Respondent Nos. 1to3: SRI. N BHUJANGA RAO
DEPUTY SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.4: SRI K. MURALIDHAR,
AGP FOR REVENUE**

Counsel for the Respondent No.5:--

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.602 of 2026

DATE: 18.06.2026

Between:

Javvaji Bharathi

....Appellant

And

The Government of India, rep. by its
Secretary Freedom Fighters Pension/
Grih Mantralaya Ministry of Home
Affairs/Swatantrata Senani rabhagh
and 4 others.

....Respondents

JUDGMENT

Heard Sri T.Vasanth Rao, learned counsel for the appellant;
Sri N.Bhujangarao, learned Deputy Solicitor General of India
appearing for respondent Nos.1 to 3; Sri K.Muralidhar Reddy,
learned Government Pleader for Revenue appearing for respondent
No.4 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters
Patent, against the order dated 05.03.2026 passed by the learned
Single Judge in W.P.No.13738 of 2022. By the said order, the
learned Single Judge dismissed the writ petition filed by the
appellant herein, holding that no interference was called for with the
order passed by respondent No.1 in Proceedings
No.52/CC/18/2019-FF dated 08.02.2022.

Factual matrix

3. The appellant claims that she was born on 03.02.1930, as evidenced by the Transfer Certificate (TC) issued by Z.P. Middle School, Denduluru, and the extract of the Birth Register issued by the Madhira Gram Panchayat. Claiming to have participated in the Hyderabad Liberation Movement, she applied for pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short, "the Scheme"). Upon consideration of her claim and the material placed in support thereof, the competent authorities sanctioned pension in her favour *vide* proceedings dated 25.02.2004, with effect from 09.05.2003. The sanction, however, was granted by extending the benefit of doubt and was expressly made subject to review by the President of India, with a stipulation that the pension would be liable to cancellation and recovery if it was subsequently found to have been sanctioned on mistaken facts or on the basis of false information.

4. Thereafter, pursuant to large-scale complaints regarding alleged bogus freedom fighter claims, under-aged claimants and fabricated documents, the erstwhile State of Andhra Pradesh undertook a comprehensive re-verification of freedom fighter pension cases, particularly in the districts of Karimnagar, Khammam, Nalgonda and Warangal. Upon such re-verification, the State Government, through its communication dated 23.05.2009

addressed to the Ministry of Home Affairs, Government of India, recommended cancellation of the appellant's pension.

5. The recommendation for cancellation was founded on the finding that the appellant's age, as reflected in the electoral records of the year 1988, was 39 years, which would indicate that she was not born at the time of the Hyderabad Liberation Movement of 1947-48. It was further alleged that the appellant had relied upon a bogus voter list for securing the pension benefit.

6. Aggrieved by the aforesaid recommendation, the appellant instituted W.P.No.15428 of 2009 before this Court. An interim order was granted on 13.07.2009. However, the writ petition ultimately came to be dismissed for non-prosecution on 17.09.2018 owing to the absence of representation on behalf of the petitioner when the matter was taken up for hearing.

7. Following the dismissal of the said writ petition and taking into consideration the report submitted by the State Government, the Ministry of Home Affairs, Government of India, issued proceedings dated 24.06.2019 cancelling the pension earlier sanctioned to the appellant under the Scheme. The said cancellation order was challenged by the appellant in W.P.No.17892 of 2019. By order dated 05.03.2021, a learned Single Judge of this Court allowed the writ petition and set aside the cancellation order solely on the ground of procedural non-compliance noting that no notice or opportunity of

hearing had been afforded to the appellant prior to the passing of the said order. While doing so, liberty was expressly reserved in favour of the Central Government to reconsider the matter afresh after issuing notice to the appellant, and to pass appropriate orders in accordance with law.

8. Pursuant to the liberty so granted, the Ministry of Home Affairs issued a show-cause notice dated 26.04.2021 calling upon the appellant to explain the discrepancies noticed in relation to her claim. The appellant submitted her explanation together with supporting documents. The matter was thereafter referred to the State Government of Telangana for fresh verification. In response, the State Government, through its letter dated 01.02.2022, forwarded the report of the District Collector, Khammam, dated 18.11.2021.

9. The District Collector, upon examination of the relevant records, including electoral rolls and other documentary material, noticed substantial variations regarding the appellant's age. The particulars recorded in the report are as follows:

	As per GP Birth Register	As per TC furnished by ZP School	As per Voter Card 2003	As per age certificate	As per copy of voter list		
					1977	1995	1999
Date of Birth	03.02.1930	03.02.1930	01.01.1931	06.08.1948	01.01.1948	01.01.1947	01.01.1945
age as on 1947 (Approximately)	17 years	17 years	16 years	17 years	Not born	3 months	2 years 3 months

10. On the basis of the aforesaid material, the District Collector concluded that the appellant was less than three years of age as on March, 1947 and, therefore, did not satisfy the eligibility requirement prescribed under the Scheme, namely, that an applicant claiming participation in the Hyderabad Liberation Movement should have been more than fifteen years of age during the relevant period. The report accordingly recommended that the appellant was ineligible for continuation of pension under the Scheme.

11. Taking into account the explanation submitted by the appellant, the report of the State Government and the findings recorded by the District Collector, the Ministry of Home Affairs passed proceedings No.52/CC/18/2019-FF dated 08.02.2022 cancelling the pension sanctioned to the appellant under the Scheme.

12. Questioning the legality and validity of the said proceedings dated 08.02.2022, the appellant instituted W.P.No.13738 of 2022 before this Court. Upon consideration of the rival submissions and the material available on record, the learned Single Judge, by order dated 05.03.2026, dismissed the writ petition holding that the impugned proceedings had been passed after compliance with the principles of natural justice and that no ground for interference under Article 226 of the Constitution of India was made out.

13. Aggrieved thereby, the appellant has preferred the present Writ Appeal.

Submissions on behalf of the appellant

14. Learned counsel for the appellant, assailed the impugned order and has advanced the following submissions:

- i) That the electoral rolls, particularly the voter list of the year 1988, could not have been treated as conclusive proof for determining the age of the appellant. According to her, entries in electoral rolls are not determinative of age and are susceptible to clerical and typographical errors. It was submitted that the authorities failed to appreciate the more reliable and primary documentary evidence produced by the appellant, namely:
 - a. The TC issued by Z.P. Middle School, Denduluru, recording her date of birth as 03.02.1930;
 - b. The extract of the Birth Register issued by the Madhira Gram Panchayat, reflecting her date of birth as 03.02.1930;
 - c. The Electoral Photo Identity Card issued by the Election Commission of India (ECI), showing her age as 72 years as on 01.01.2003;
 - d. The Medical Age Certificate dated 06.08.2009 issued by the Assistant Professor, Department of Forensic Medicine and Toxicology, Gandhi Medical College, assessing her age as 79 years as on the said date; and
 - e. The Senior Citizen Railway Passbook dated 06.12.2004, reflecting her age as 74 years as on that date.

- ii) That school records and birth register entries constitute primary evidence of age and ought to have been accorded due evidentiary value. It was further contended that the respondents failed to undertake independent verification of the documents produced by the appellant, and instead proceeded solely on the basis of the voter list of 1988. According to the learned counsel, undue and disproportionate reliance was placed upon a single electoral record while disregarding several contemporaneous public documents supporting the appellant's claim.
- iii) That the appellant's claim had been scrutinized by the competent authorities and the Screening Committee constituted by the Government, which, upon being satisfied regarding her eligibility under the Scheme, recommended and sanctioned pension in her favour. It was submitted that the pension so granted was not merely a pecuniary benefit but constituted recognition and honour conferred upon a freedom fighter by the State. Therefore, cancellation of the pension nearly two decades after its sanction, on the basis of a subsequent re-verification exercise, is arbitrary, unreasonable and contrary to the principle of finality.
- iv) That while adjudicating upon valuable rights flowing from the Scheme, the respondent authorities were under an obligation to objectively consider all the documentary evidence placed by

the appellant. It was submitted that although a show-cause notice was issued pursuant to the directions of this Court, the exercise undertaken by the respondents was a mere formality. According to the learned counsel, no meaningful or independent inquiry was conducted and the impugned proceedings merely reiterated the very allegations on the basis of which the pension had earlier been cancelled.

- v) That the pension granted under the Scheme is not intended merely as a measure of financial assistance but is a symbolic recognition of the sacrifices rendered by freedom fighters. It was argued that cancellation of such pension after several decades defeats the very object and spirit of the Scheme. The appellant, who is presently stated to be about 95 years of age, deserves continuation of the pension having regard to her advanced age and the circumstances of the case. It was also contended that any direction for recovery would cause grave prejudice and hardship to the appellant.
- vi) In regard to the allegations levelled by the respondents, learned counsel emphatically denied that the appellant had produced any forged or fabricated documents. It was submitted that no material whatsoever had been brought on record to establish forgery and that the respondents had not undertaken any verification from the authorities who issued the documents relied upon by the appellant. According to the

learned counsel, the inference of fabrication drawn solely on the basis of discrepancies found in the voter list of 1988 is wholly speculative and unsustainable in law.

- vii) That the TC and the Birth Register extract relied upon by the appellant are public records originating from a period proximate to her birth and, therefore, carry considerable evidentiary value. It was also argued that the Medical Age Certificate issued by a competent medical authority and the Senior Citizen Railway Passbook constitute corroborative public documents, all of which consistently support the appellant's claim regarding her age. Therefore, branding the appellant as having secured pension on the basis of forged documents, without any legally evidence is wholly unjustified.

Submissions on behalf of the respondents

15. Learned Deputy Solicitor General of India appearing for respondent Nos.1 to 3, and the learned Government Pleader for Revenue appearing for the respondent No.4, supported the order passed by the learned Single Judge and advanced the following submissions:

- i) That the Scheme is a document-based scheme requiring an applicant claiming participation in the Hyderabad Liberation Movement to have been more than 15 years of age in March, 1947, as established through official records such as birth

certificates, registration certificates, Electoral Photo Identity Cards or electoral rolls of 1995 or earlier. It was contended that the appellant fails to satisfy this requirement, as the electoral rolls of 1977, 1995 and 1999 indicate that she was either not born or was only a very young child during the relevant period and, therefore, could not have participated in the Movement.

- ii) That the appellant's claim was never validly recommended by the Hyderabad Special Screening Committee (HSSC), as the recommendation slip available in her file is blank and incomplete. Consequently, her case was required to be considered under the normal provisions of the Scheme, which mandate production of either Primary Evidence, such as Court or Government records evidencing participation in the freedom movement, or Secondary Evidence in the form of a valid Personal Knowledge Certificate (PKC) supported by a Non-Availability of Records Certificate (NARC). Learned counsel contended that the appellant failed to satisfy either requirement, inasmuch as the PKC relied upon by her was issued by Sri Gurram Achaiah, who had undergone imprisonment for only six months, whereas the Scheme requires the certifier to have suffered imprisonment for a minimum period of two years in non-HSSC cases, and further, the mandatory NARC was not produced.

- iii) That the appellant, in her original application, claimed to have undergone underground suffering at the Machinenipalem Border Camp, whereas in her subsequent representation she claimed to have been imprisoned for six months along with Sri Gurram Achaiah. According to the respondents, these mutually inconsistent claims cast serious doubt on the genuineness and credibility of her claim under the Scheme.
- iv) That the re-verification exercise was undertaken pursuant to numerous complaints regarding bogus and fraudulent claims under the Scheme. Learned counsel contended that, upon detailed inquiry, the State Government, in its report dated 23.05.2009, found that the appellant had relied upon a forged voter list of 1988, while the District Collector, Khammam, in his report dated 18.11.2021, upon examination of the electoral rolls of 1977, 1995 and 1999, concluded that the appellant was under-aged during the relevant period. It was further submitted that, in compliance with the directions issued by this Court in the earlier round of litigation, the respondents issued a show-cause notice, duly considered the appellant's explanation and thereafter passed the impugned order in accordance with law and the principles of natural justice.
- v) That the appellant has repeatedly invoked the writ jurisdiction of this Court and, by virtue of interim orders passed in earlier proceedings, continued to enjoy benefits under the Scheme for

more than nine years despite being ineligible therefor. Learned counsel pointed out that W.P.No.15428 of 2009 was dismissed for non-prosecution, while W.P.No.17892 of 2019 was allowed solely on the ground of non-compliance with the principles of natural justice. It was contended that the appellant has never established her eligibility on merits and has relied primarily on procedural infirmities to secure interim protection and continuation of benefits under the Scheme.

16. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

17. Before examining the merits of the controversy, it is necessary to delineate the scope of judicial review in matters arising under the Swatantrata Sainik Samman Yojana, 1980. The Scheme is a special welfare measure formulated by the Union Government to honour genuine freedom fighters and prescribes specific eligibility conditions, evidentiary requirements and procedural safeguards. The grant of pension under the Scheme is not automatic, but is contingent upon satisfaction of the conditions stipulated therein.

18. The Hon'ble Supreme Court, in ***State of Orissa v. Choudhuri Nayak*¹**, has observed that the Scheme is intended as a "Samman" for those who participated in the struggle for India's independence.

¹ (2010) 8 SCC 796

The Court further emphasized that, while extending such recognition, the authorities must ensure that the benefit reaches only genuine freedom fighters and that false or fabricated claims are identified and excluded whenever their bogus nature comes to light.

19. It is well settled that, in exercise of its jurisdiction under Article 226 of the Constitution of India, this Court does not sit in appeal over administrative decisions, nor does it re-appreciate the evidence on record to substitute its own view for that of the competent authority. Judicial review is confined to examining whether the decision-making process is vitiated by arbitrariness, perversity, *mala fides*, consideration of irrelevant material, exclusion of relevant material, or violation of statutory provisions. The authorities entrusted with the implementation of the Scheme are primarily responsible for evaluating the documentary evidence and determining the eligibility of claimants.

20. In the present case, the impugned proceedings dated 08.02.2022 disclose that the explanation submitted by the appellant was considered, a report was obtained from the State Government, the relevant guidelines governing the Scheme, including the prescribed age criterion, were taken into account, and a conclusion was ultimately reached that the appellant did not satisfy the eligibility requirements. It cannot be said that the authority acted without jurisdiction, ignored relevant material, or took into

consideration any extraneous circumstance. Merely because the appellant disputes the conclusion arrived at by the authority or relies upon certain documents in support of her claim does not, by itself, render the impugned decision arbitrary, irrational or amenable to interference in exercise of writ jurisdiction.

21. The principal controversy in the present case pertains to the determination of the appellant's age. The appellant relies upon the TC and the extract of the Birth Register recording her date of birth as 03.02.1930, which, if accepted, would make her eligible under the age criterion prescribed for participation in the Hyderabad Liberation Movement. The respondents, on the other hand, place reliance upon the electoral rolls of the years 1977, 1995 and 1999, which, according to them, indicate that the appellant was either not born or was of a very young age during the relevant period.

22. Under the Scheme, the competent authorities are required to ascertain, on the basis of official records, whether the claimant had attained the requisite age of more than 15 years as on March, 1947. The Ministry of Home Affairs, by its communication dated 01.05.2001, specifically provides that proof of age shall be based on official records such as a registration certificate, birth certificate, voter identity card or electoral rolls of the year 1995 or earlier.

23. The appellant has relied upon the TC and the Birth Register extract, both of which are official records. Equally, the respondents

have relied upon the electoral rolls of the years 1977, 1995 and 1999, which are also official records. Thus, the record discloses a clear conflict between the documentary evidence relied upon by the respective parties.

24. The District Collector, upon conducting a detailed inquiry, concluded that the electoral rolls of 1977, 1995 and 1999 consistently indicated that the appellant did not satisfy the prescribed age criterion. The report further records that the original records of the Gram Panchayat and the Z.P. Middle School were not available for verification. It was also noted that verification of the original electoral records reflected the appellant's date of birth as 01.01.1945, which, according to the respondents, rendered her ineligible under the Scheme.

25. In the face of such conflicting material, the competent authorities chose to place reliance on the electoral records of 1977, 1995 and 1999 while evaluating the appellant's claim. It is not a case where the documents relied upon by the appellant were ignored; rather, the authorities considered the same and found them insufficient to outweigh the inconsistencies noticed in the other official records. The authorities also took note of the fact that the HSSC recommendation slip available in the appellant's file was blank and incomplete, which was treated as a circumstance casting further doubt on the claim.

26. Further, this Court, while exercising jurisdiction under Article 226 of the Constitution, cannot re-appreciate the evidence or substitute its own assessment for that of the competent authority merely because another view is possible. So long as the decision is founded upon relevant material and is supported by reasons, judicial review remains confined to examining the legality of the decision-making process. In the present case, the impugned proceedings dated 08.02.2022 disclose due consideration of the appellant's explanation, the documentary material placed on record and the relevant provisions governing the Scheme.

27. The Scheme requires a claimant to establish eligibility either through Primary Evidence or, in the absence thereof, through Secondary Evidence in the manner prescribed. Insofar as Primary Evidence is concerned, a claim of underground suffering must be supported by contemporaneous Court or Government records showing that the claimant remained underground for more than six months as a proclaimed offender, a person against whom an award for arrest had been announced, or one against whom an order of arrest or detention had been issued but not served. Admittedly, the appellant has not produced any such record and, therefore, fails to establish her claim on the basis of Primary Evidence.

28. As regards Secondary Evidence, the Scheme requires the production of a valid Personal Knowledge Certificate (PKC) from an

eligible certifier having undergone a minimum of two years' jail suffering, along with a Non-Availability of Records Certificate (NARC). In the present case, the appellant has not furnished any NARC, and the PKC relied upon by her was issued by Sri Gurram Achaiah, who had undergone imprisonment for only six months. Further, while the appellant initially claimed underground suffering at the Machinenipalem Border Camp, she subsequently claimed to have undergone imprisonment for six months along with Sri Gurram Achaiah. These inconsistencies, coupled with the non-compliance with the requirements of the Scheme, were found by the authorities to render her claim ineligible for consideration.

29. The appellant asserts that her claim was recommended by the HSSC. The respondents, however, contend that the HSSC recommendation slip available in her file is blank and incomplete and, therefore, cannot be treated as a valid recommendation. In the absence of a valid HSSC recommendation, the appellant's claim was required to be examined under the normal provisions of the Scheme. As already noted, the appellant failed to produce either Primary Evidence or valid Secondary Evidence as prescribed under the Scheme, and consequently, the authorities found her ineligible for pension.

30. The contention of the appellant that the sanction of pension attained finality and thereby precluded any subsequent review or

cancellation after a considerable lapse of time cannot be accepted for the following reasons:

- i) The sanction of pension *vide* proceedings dated 25.02.2004 was expressly made subject to review by the President and liable to cancellation with recovery if it was subsequently found to have been granted on mistaken facts or false information. The grant was, therefore, not absolute or unconditional.
- ii) The Scheme contemplates verification and re-verification of claims to ensure that its benefits are confined to genuine freedom fighters. The authorities are duty-bound to preserve the integrity of the Scheme and to take corrective measures where ineligible or doubtful claims come to light.
- iii) The procedural defect on account of which the earlier order dated 24.06.2019 was set aside has since been cured. Pursuant to the liberty granted by this Court, a show-cause notice was issued, the appellant's explanation was considered, fresh verification was obtained from the State Government, and the impugned speaking order dated 08.02.2022 came to be passed.
- iv) That W.P.No.15428 of 2009, in which an interim order had been granted against the State Government's report dated 23.05.2009, was ultimately dismissed for non-prosecution. Consequently, the authorities were not precluded from acting

upon the findings recorded in the said report while undertaking the subsequent exercise of re-verification.

31. The respondents contend that the appellant relied upon a fabricated voter list of the year 1988, whereas the appellant denies the allegation and maintains that electoral records are not conclusive proof of age and may be susceptible to clerical or typographical errors. It is also her case that no material has been placed on record conclusively establishing forgery. It is, however, relevant to note that the State Government, in its report dated 23.05.2009, recorded a finding that the appellant had secured pension benefits on the basis of a false or fabricated voter list of the year 1988. The subsequent report of the District Collector, Khammam, dated 18.11.2021, also noticed discrepancies between the voter list relied upon by the appellant and the electoral records verified by the authorities, particularly with regard to the age reflected therein.

32. Be that as it may, the issue before this Court is not whether the appellant is guilty of forgery, but whether the decision-making process adopted by the authorities suffers from any illegality, arbitrariness or perversity. The authorities, upon verification of the available records, found the voter list relied upon by the appellant to be unreliable and proceeded to determine her eligibility on the basis of the material placed before them. Such a finding, being founded on relevant material and supported by cogent reasons, does not warrant interference in the exercise of judicial review.

Conclusion

33. For the foregoing reasons, this Court of the considered view that the learned Single Judge committed no error in declining interference with the proceedings dated 08.02.2022. The impugned order was passed after due notice, verification by the State Government and consideration of the relevant provisions of the Scheme. We find no infirmity in the order of the learned Single Judge warranting interference by this Court in appellate jurisdiction. The Writ Appeal being devoid of merits, is liable to be dismissed.

34. Accordingly, the Writ Appeal is dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

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**SD/- K.AMMAJI
DEPUTY REGISTRAR**



SECTION OFFICER

To,

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2. One CC to SRI. N BHUJANGA RAO Deputy Solicitor General of India [OPUC]
3. Two CCs to GP FOR REVENUE High Court for the State of Telangana, at Hyderabad [OUT]
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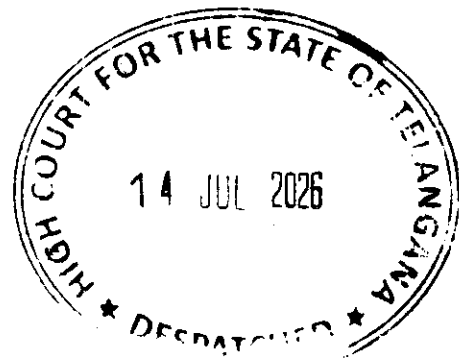
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HIGH COURT

DATED: 18/06/2026

**JUDGMENT
WA.No.602 of 2026**



DISMISSING THE WRIT APPEAL WITHOUT COSTS

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