



W.P.(MD)No.9162 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.9162 of 2025

Selvi M.Joice
D/o. Late Joseph,
Represented through her brother (George),
Residing at Cherukuzhi Veedu,
Anucode Desom,
Kollemcode Post,
Kanniyakumari District.

... Petitioner

[cause title amended as per order dated 10.12.2025,
made in W.M.P.(MD)No.25720 of 2025]

-vs-

- 1.The Government of India,
Rep. by its Ministry of Home Affairs,
F.F.R. Division / South Zone Section,
2nd Floor, New Delhi City Centre – II,
New Delhi - 110 001.
- 2.The District Collector,
Kanyakumari District,
At Nagercoil.
- 3.The Pay and Accounts Officer,
Pay and Accounts Office (Pension and Misc),
Ministry of Home Affairs,
2/10, Jamnagar House,
New Delhi - 110 011.

... Respondents



W.P.(MD)No.9162 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records related to the impugned order passed by the first respondent in File No.52/CC/TN/22/2015-FF(SZ)/CF-3408631 dated 12.06.2024 and quash the same and consequently, direct the first respondent to sanction the Central Freedom Fighter Pension SSS from 20.05.2015 and direct to pay all the arrears of the Central Pension to the petitioner.

For Petitioner	:	Mr.S.A.Ajin Singh
For R1 and R3	:	Mr.K.Govindarajan Deputy Solicitor General of India
For R2	:	Mr.P.Subbaraj Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the first respondent in File No.52/CC/TN/22/2015-FF(SZ)/CF-3408631 dated 12.06.2024 and consequently, to direct the first respondent to sanction the Central Freedom Fighter Pension [Swatantrata Sainik Samman Yojana (SSSY)] from 20.05.2015 and to direct payment of all arrears of the Central Pension to the petitioner.



W.P.(MD)No.9162 of 2025

WEB COPY

2. The brief facts of the case are that the petitioner's father, namely Joseph, was a freedom fighter and he had been granted a freedom fighter's pension. After the demise of the petitioner's father, the petitioner's mother was granted the freedom fighter's pension, and she died on 10.10.2007. It is not in dispute that the petitioner was married and that she was deserted by her husband on the ground that she is suffering from Schizophrenia, which is a chronic and debilitating mental illness. After the petitioner was deserted by her husband, her brother has been taking care of her.

3. In the report filed by the second respondent / District Collector, it is specifically mentioned that the petitioner is mentally ill and is under the care and maintenance of her brother George. It is further mentioned that the petitioner was married to one Manian, who later deserted her, and thereafter, she has not remarried and survives as a deserted destitute woman.

4. It is not in dispute that the State is providing a freedom fighter's pension totalling a sum of Rs.16,500/- to the petitioner. The grant of a freedom fighter's pension by the State will not disentitle the petitioner from claiming the Central Freedom Fighter Pension (SSSY).



W.P.(MD)No.9162 of 2025

WEB COPY

5. The only ground raised by the learned Deputy Solicitor General of India appearing for the Union of India is that the petitioner was married, and the Division Bench of this Court also described her marital status as "married". In such an event, the petitioner is disentitled from claiming any pension under the SSSY Scheme.

6. The learned Deputy Solicitor General further argued that not only should the applicant be unmarried, but she should also not have any independent source of income of more than Rs.2,40,000/- per annum. Unless these twin conditions are fulfilled, the question of granting freedom fighter's pension does not arise.

7. It is clear that the intention of the legislature in framing the Scheme to disentitle married women from pension was based on the presumption that a married woman would have the support of her husband whereby she could live respectfully.

8. In the present case, though the petitioner was married, she was deserted by her husband mainly on the ground that she is suffering from mental illness and



W.P.(MD)No.9162 of 2025

is unable to take care of herself. Her brother is taking care of her. In cases such as these, there cannot be a hyper-technical approach by the Union of India to decline pension only on the ground that the Division Bench of this Court found that her marital status was 'married', losing sight of the condition of the woman, as in the present case, who is mentally ill and is being taken care of by her brother after being deserted by her husband. Denial of the freedom fighter's pension in the present case with such a pedantic approach, is nothing but arbitrary.

9. In similar circumstances, the Hon'ble Supreme Court in **Union of India vs. Khajani Devi** [S.L.P. (Civil) Diary No.17706 of 2017], vide order dated 27.09.2019, held that the respondent therein was entitled to pension though she was married and divorced.

10. In the specific facts of the present case, when the husband deserted her and keeping in view of the fact that she is depending on her brother and her mental illness [Schizophrenia], the freedom fighter's pension cannot be denied.

11. Accordingly, the Writ Petition stands allowed. The first respondent is granted eight weeks' time to provide her the pension. Needless to state, the



W.P.(MD)No.9162 of 2025

petitioner shall be entitled to pension from the date of desertion by her husband, and if any arrears have accrued, the same shall also be paid to the petitioner within the aforesaid time limit. No costs.

NCC : Yes
Index : Yes
smn2
To:-

(K.SURENDER, J.)
10.12.2025
(2/2)

- 1.The Government of India,
Ministry of Home Affairs,
F.F.R. Division / South Zone Section,
2nd Floor, New Delhi City Centre – II,
New Delhi - 110 001.
- 2.The District Collector,
Kanyakumari District,
At Nagercoil.
- 3.The Pay and Accounts Officer,
Pay and Accounts Office (Pension and Misc),
Ministry of Home Affairs,
2/10, Jamnagar House,
New Delhi - 110 011.



WEB COPY



W.P.(MD)No.9162 of 2025

K.SURENDER, J.

smn2

W.P.(MD)No.9162 of 2025

10.12.2025

(2/2)