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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6829/2008

CENTRE FOR RESERACH, PLANING & ACTION Petitioner
Through Mr. Yakesh Anand, Advocate.

versus

UOI Respondent
Through Ms. Meera Bhatia, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER
% **22.09.2009**

1. This is a second round of litigation filed by the petitioner i.e. Centre for Research, Planning and Action. The first Writ Petition W.P.(C) No. 1540/05, filed by the petitioner was disposed of vide order dated 24.09.2007 directing the Ministry of Health and Family Welfare to dispose of the representation of the petitioner dated 22.09.2007. The said direction was given by this court as the impugned orders dated 24.09.2001 withdrawing financial aid and assistance to the petitioner were passed without hearing and compliance with the principles of natural justice.

2. After the order dated 24.09.2007, Government of India, Ministry of Health and Family Welfare (NGO Division) re-examined the entire factual

position and has passed orders dated 23.06.2008. Both orders dated 24.09.2001 and 23.06.2008 have been impugned in the present Writ Petition.

3. The petitioner was appointed as a Mother Unit NGO (Nodal Agency) under the Rolling Fund Scheme in the year 1992. As a Mother Unit the petitioner was to monitor the progress of the field NGOs working under them. The petitioner from time to time requisitioned and was granted Mother Unit status under the scheme.

4. A team constituting of Dr. P.C. Bhatnagar and Mr. M. Ghosh, Head of the Department, Voluntary Health Association of India (VHAI, for short) evaluated working and performance of the petitioner. It was observed that petitioner was not maintaining books of accounts regularly and the petitioner had no sources. It was noticed that as per the balance sheet of the petitioner there were negligible assets but on physical verification several assets could be observed. The petitioner was not able to justify and explain the source of these assets and no formal agreements i.e. MOU could be produced. The report states that the petitioner was also not maintaining any salary register and manner of payment of staff salary was also ambiguous. In the final analysis the report recommended that the petitioner was a research organization rather than an implementing

organization having very little field experience. Need to improve the financial system was noticed. In view of the report submitted by VHAI, the petitioner's request for Mother NGO status was not rejected and ceased w.e.f. 31.03.1998 and thereafter no grant-in-aid was released to the petitioner.

5. The petitioner subsequently made a request for release of Rs.18.21 lacs towards recoupment amounts that the petitioner had disbursed to sub-NGO/Field Units during the period prior to 31.3.1998 for projects which were sanctioned by them. It appears that some complaints had been received against the petitioner for mis-appropriation of funds. To examine the working and operation of the petitioner, Family Planning Association of India, Mumbai (FPAI for short) was asked to conduct an evaluation of the performance of the petitioner under the rolling funds scheme. FPAI visited two field units viz. Harijan Pichda Warg Kalyan Samiti and Hast Kala Vikas Kendra of Bihar, conducted investigation and submitted their report.

6. As per the said report, the petitioner had never visited the sites to assess the working of Harijan Pichda Warg Kalyan Samiti and Hast Kala Vikas Kendra of Biharat Madhubani. The petitioner in response admitted that they were receiving progress reports from the field units and these progress reports were duly verified by the Medical Officer and, therefore,

petitioner was satisfied with the progress. FPAI noticed other irregularities in the records of the Field NGOs. It was found that the project manager of Harijan Pichda Warg Kalyan Samiti was one Smt. Buchi Devi, who was also the Secretary of Hastha Kala Kendra. She was an old lady of 65 years of age and was just literate as she could only sign in Hindi. She was paid monthly salary of Rs.2,000/-. Similarly, it was noticed that one Mr. G.S. Thakur who was intermediate in Accounts was paid monthly salary of Rs.1,500/- per month for maintaining accounts. The field workers could not be traced in the village. The field NGO could not produce any documentary evidence about staff selection including their applications, letter of appointment, joining report etc. It was noticed that field NGO Harijan Pichda Warg Kalyan Samiti had taken on rent a building owned by the husband of Smt. Buchi Devi. Adverse comments were also made by FPAI on account of Capital purchases. It was found that the performance of field NGO was not up to the mark.

7. Similarly, comments were made with regard to the second NGO Hastha Kala Kendra. The cash book and ledger were found to be poorly maintained and the persons who were maintaining the said account books had no knowledge about the working of the office. Vouchers were not available. The second Field NGO had employed a manager, two field

workers and their names were mentioned in the Cash book. However there was no personal file or letter of appointment, attendance register etc. Discrepancies in purchase of Capital assets were noticed. The field NGO had taken on rent a room in a building owned by family of one Mr. Arun Kumar. No formal rent deed was signed and payment of Rs.250/- per month was made. It appears that the said Arun Kumar is none other than Mr. Arun Kumar Mehto, Secretary of the Field NGO. Mr. Arun Kumar Mehto had confessed that certain purchases were not made but recorded in the books of said Field NGO.

8. In view of the aforesaid, I do not think any relief can be granted to the petitioner. The petitioner was given opportunity and after examining their objections, the orders dated 23rd June, 2008 have been passed.

The writ petition is accordingly dismissed.

SANJIV KHANNA, J.

SEPTEMBER 22, 2009
HL/VKR