

Court No. - 32

Case :- WRIT - C No. - 39605 of 2023

Petitioner :- Smt. Maya Devi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Aditya Kumar Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai,J.

Hon'ble Surendra Singh-I,J.

The present petition has been filed challenging the order dated 16.09.2022 passed by the Additional District Magistrate, Etawah after approval of the same date by the District Magistrate, rejecting the claim of the petitioner under the Mukhya Mantri Krishak Durghatna Kalyan Yojna (hereinafter referred to as 'Scheme'). An information was sent to Deputy District Magistrate, Etawah by the Additional District Magistrate, Etawah on the same date i.e., 16.09.2022. The impugned document has been annexed as annexure no. 6 to the writ petition.

The facts of the case are that Shri Balveer Singh, husband of the petitioner died on 28.01.2022 as a result of injuries caused in a road accident which took place on 27.01.2022. The petitioner filed an application claiming compensation under the Scheme on 16.04.2022 which was referred by the Deputy District Magistrate, Etawah with his comments to the District Magistrate, Etawah on 20.08.2022.

By order dated 16.09.2022, the claim of the petitioner has been rejected as it was filed on the 80th day and under the Scheme, the claims have to be filed within 45 days and only a delay of 30 days in filing any claim can be condoned by the authorities, i.e., no claim under the Scheme shall be entertained after 75 days. The order dated 16.09.2022 has been challenged in the present petition.

In ***Gautam Yadav vs. State of U.P. and Ors 2021 (I) ALJ 351***, a Division Bench of this Court had directed that the limitation prescribed under the Scheme should be read as to entertain the claims made within three years of the date of the death or within three years from the date of the rejection by the Insurance Company, to be a reasonable period for filing a claim. The relevant observations of the Division Bench of this Court are reproduced as below:-

"36. Thus, we set aside the order dated Nil March, 2020 (Annexure-9), whereby the claim of the petitioner has been rejected on the ground of limitation on both grounds as raised and discussed in this Judgment.

37. We further direct that in place of Limitation Prescribed under the Scheme, it should be read that the claims made within three years of the date of the death or within three years from the

date of the rejection, either wholly or partly by the Insurance Company, to be a reasonable period for filing a claim under the 'Mukhyamantri Kisan Avam Sarvahit Bima Scheme' and the similar schemes which were in force prior thereto on behalf of beneficiaries of the Scheme.

38. As innumerable cases are filed seeking compensation under the schemes across the State, we direct that all the claims filed within a period of three years from the date of the death or within a period of three years from the date of rejection of claim, either partly or wholly by the Insurance Company, should be treated to be filed within limitation and should be processed on their merits.

39. As we have held that the limitation provided under the said Scheme is unreasonable and arbitrary and have substituted the said period by a period of three years, as recorded above, we direct the Registrar General of this Court to transmit a copy of this order to The Chief Secretary State of Uttar Pradesh and Director Institutional Finance, State of Uttar Pradesh, for its communication to all the District Magistrates in the State and the District Magistrates in turn are directed to entertain and process the claims filed under the Scheme within limitation as prescribed above by this Court treating them to be within limitation and the same should be processed on their merits.

40. We have directed and provided for the limitation of three years, till the time the State Government takes an appropriate decision and amends limitation clauses of the Scheme to make them more reasonable taking into account the socio economic condition of the society as well the laws of India.

41. The writ petition is allowed in terms of the said order."

In view of the aforesaid, the order dated 16.09.2022 passed by the District Magistrate, Jaunpur as referred by the Additional District Magistrate, Etawah in his order dated 16.09.2022 (annexed as annexure no. 6 to the writ petition) is hereby quashed. The matter is remitted back to the Collector/District Magistrate, Etawah to decide the claim of the petitioner on merit treating the same to have been filed within limitation, expeditiously and, in any case, by 31.12.2023. In case, the petitioner is found entitled to compensation as claimed by her, the same shall be disbursed to the petitioner within 15 days from the date of the decision of the District Magistrate. The whole exercise shall, in any case, be completed by 31.01.2024.

With the aforesaid directions, the writ petition is ***allowed***.

Order Date :- 17.11.2023

Vipasha