Court No. - 3

Case :- WRIT - C No. - 8828 of 2023

Petitioner :- Vimla Devi
Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. Civil Secrt. Lko. And Another
Counsel for Petitioner :- K.K. Singh
Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.
Hon'ble Manish Kumar,J.

The present writ petition has been preferred by the petitioner with the following main prayers:-

"(i) Issue a writ, order or direction in the nature of Certiorari to quash the impugned order dated 15.06.2021 by summoning the same (which is intimated by RTI information dated 21.09.2023) passed by the District Magistrate, Ayodhya, by which he has rejected the claim of the petitioner under 'Mukhyamantri Krishak Durghatana Kalyan Yojana, 2020'.

(ii) Issue a writ, order or direction in the nature of mandamus commanding to the opposite party No.2 to release the payment to the petitioner under the 'Mukhyamantri Krishak Durghatana Kalyan Yojana, 2020'."

The case of the petitioner is that the son of the petitioner had expired on 26.11.2020 and the petitioner is entitled for the compensation under the Mukhyamantri Krishak Durghatana Kalyan Yojana, 2020. The petitioner has applied her claim on 12.03.2021, which was rejected by District Magistrate vide impugned order dated 15.06.2021 on the ground that the claim is time barred.

Learned counsel for the State has submitted that there is no illegality in the order passed by District Magistrate.

After hearing learned counsel for the parties and going through the record of the case, we find that a Division Bench of this Court has passed a final order dated 16.03.2022 in Writ C No.1591 of 2022 (Pushpa Vs. State of U.P. through its Secretary, Revenue Department and another) taking into consideration the order of Hon'ble the Supreme Court in Suo Motu Writ Petition (C) No.3 of 2020 (In Re: Cognizance for Extension of Limitation) and another writ petition filed in

public interest bearing No.564 of 2020 by this Court and based thereon it held that the period from March 15, 2020 till February 28, 2022 was to be excluded for computing the period of limitation provided for various proceedings. Based on it, considering the fact that scheme at hand provides for maximum period of 75 days for filing any application but the fact remains that period of delay on account of Covid-19 pandemic in filing application by the said petitioner has to be excluded, it quashed the order of the concerned authority dismissing the claim on the ground of limitation/delay and ordered for consideration of the application treating it to be within time, we are of the opinion that the petitioner being similarly situated is entitled to the benefit to the said order dated 16.03.2022 passed in Writ C No.1591 of 2022 as the son of the petitioner expired on 26.11.2020 i.e., during the covid-19 pandemic and the period which has to be excluded in terms of the Division Bench judgement referred herein-above, therefore, the claim which was filed on 12.03.2021 has to be treated as within time, therefore, in this case also the impugned order rejecting the claim on account of delay/limitation cannot be sustained and is quashed.

The District Magistrate, Ayodhya is directed to consider the claim for payment of compensation under the scheme in accordance with law afresh treating the application of the petitioner to be within time.

The writ petition is **allowed**.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 12.10.2023
Arjun/-

Digitally signed by :-
ARJUN PRASAD
High Court of Judicature at Allahabad,
Lucknow Bench