

Court No. - 2

Case :- WRIT - C No. - 10758 of 2024

Petitioner :- Guddi @ Guddi Devi

Respondent :- State Of U.P. Thru. Commissioner And Secy. Board Of Revenue Lko. And 2 Others

Counsel for Petitioner :- Janendra Kumar Verma,Vivek Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy,J.

Hon'ble Brij Raj Singh,J.

1. Considering the trivial nature of the dispute and absence of any factual dispute as regards the relevant facts, we see no need to call for a counter affidavit in the matter.

2. Heard.

3. The petitioner has challenged the decision dated 29.03.2022 of the District Level Committee declining the claim for compensation under the Mukhyamantri Krishak Durghatna Kalyan Yojna on the ground of limitation prescribed under the relevant Government Orders.

4. Counsel for the petitioner contends that the death of petitioner's husband took place on 22.12.2020 and the claim, as is mentioned in the impugned decision, was sent by the registered post and was received at the District Headquarter on 06.07.2021 that was the time of Covid-19 pandemic, therefore, the benefit of the orders passed by the Division Bench of this Court for the purposes of the limitation was available to the petitioner. He has invited our attention to the judgment and order dated 11.05.2023 passed in ***Writ C No. 3777 of 2023 (Hasbun Nisha vs. State of U.P. and others)*** wherein similar issue was involved. The said judgment and order reads as under:

"Heard learned counsel for the petitioner and Shri Nishant Shukla, learned Standing Counsel for the State.

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

"(a) a writ, order or direction in the nature of Certiorari quashing / setting aside any formal order rejecting the claim of the petitioner under Yojana after summoning its' original from the opposite parties.

(b) a writ, order or direction in the nature of Mandamus commanding upon the opposite parties to immediately grant the benefits admissible to the petitioners under the 'Mukhyamantri Krishak Durghatna Beema Yojana' as per G.O. dated 28.02.2020."

The case of the petitioner is that husband of the petitioner had expired on 02.02.2021 and the petitioner is entitled for the compensation under the Mukhyamantri Krishak Durghatana Kalyan Yojana, 2020. The petitioner has applied her claim on 28.05.2021, which was rejected by District Magistrate vide impugned order dated 26.06.2021 on the ground that the claim is time barred.

Shri Nishant Shukla, learned Standing Counsel has placed before the Court the decision of the District Magistrate/ District Level Committee dated 26.06.2021 rejecting the claim of the petitioner under the 'Mukhyamantri Krishak Durghatana Kalyan Yojana, 2020 on the ground of delay. We take the said decision on record.

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 03.01.2022 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 21.03.2022 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 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."

5. Considering the facts as admitted in the impugned order, we find the contention of the petitioner's counsel to be acceptable.

6. In view of the above quoted order, the decision of the District Level Committee so far as it relates to the petitioner is liable to be quashed. The decision contained at Sl. No. 41 of the order dated 29.03.2022 relating to the petitioner is quashed. A direction is issued to the District Level Committee headed by the District Magistrate to reconsider the claim of the petitioner on merits and take a decision within three months as to her entitlement to compensation under the scheme aforesaid.

7. The writ petition is **allowed**.

[Brij Raj Singh, J.] [Rajan Roy, J.]

Order Date :- 18.12.2024
Santosh/-