

CWP-10950-2015

[1]

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

(Sr. No.222)

CWP-10950-2015

Date of Decision:-02.03.2017

Vijay Rani

.....Petitioner

V/S

Department of Social Justice & Empowerment Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present : Mr. Amit Jaiswal, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana.

M.M.S. BEDI, J. (Oral):

The application (Annexure P-5) of the petitioner for grant of compensation on account of death of her son namely Gaurav Gupta on 29.11.2006 in a road accident has been declined on the ground that the application was received after six months. The said order was challenged before the Director, Social Justice & Empowerment (Haryana), but the appeal was also dismissed observing that the case does not deserve relaxation of period of limitation, vide order Annexure P-7 dated July 15, 2014.

The death of son of the petitioner namely Gaurav Gupta in motor vehicle accident on 29.11.2006 is an admitted fact and an FIR had also been registered in this regard. The petitioner had applied for the grant of compensation under “Rajiv Gandhi Parivar Beema Yojna” launched by the State of Haryana for grant of compensation in accident cases. The petitioner claims that she had moved the requisite application on 04.01.2007

along with the endorsement report of Tehsildar Ambala and Naib Tehsildar Ambala Cantt. vide Annexure P-1. Petitioner had again applied for the benefit under the above said scheme in the office of respondent No.2-Sub Divisional Officer (C), Ambala-cum-Nodal Officer. The application was sent to Tehsildar, Ambala on October 6, 2010 for verification. The application was ultimately sent to respondent No.3 on 18.10.2010 and it was rejected on 26.04.2011.

After hearing learned counsel for the petitioner and counsel for the respondents, this Court is of the opinion that the scheme for grant of compensation to the residents of Haryana is a social welfare scheme. The provisions of the scheme should be construed liberally for the benefit of the victims. The petitioner who is an illiterate lady and had lost her 27 years young son in the road accident should not have been denied the benefit on technicalities. The High Court in the exercise of discretion to relax the beneficial scheme, in the interest of justice, can condone the delay to ensure that the benefit of the scheme is given to the poor and victims of the accidents. The said approach has been adopted by the High Court in Ramrati Versus State of Haryana and others CWP No.21585 of 2012 decided on 29.08.2013 and Ajmero Versus State of Haryana and others CWP No.25293 of 2012 decided on 12.03.2014.

I find no reasons to classify the claimants into two categories i.e. the persons who can approach for social welfare benefit schemes within a period of six months and the persons who can approach the Court without any limitation. No doubt, limitation can be prescribed while launching the scheme but the classification of the victims in the present case on the basis of the period appears to be unreasonable and discriminatory.

The petition is allowed. The impugned orders of the State authorities are set aside. A direction is issued that a sum of ₹1,00,000/- will be paid to the petitioner within a period of one month from the date of receipt of copy of this order. The quantum of interest will be treated as penalty for not approaching the authorities in time. The relief has been granted to the petitioner in peculiar circumstances. This judgment is not meant to be treated as laying down as an absolute rule of law and a precedent that in all cases the delay in filing the claim would be condoned.

March 02, 2017

Pankaj

**(M.M.S. BEDI)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No