

CWP No.19804 of 2017

[1]

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

**CWP No.19804 of 2017
Date of decision:18.09.2017**

Jagiro Devi

...Petitioner

Versus

State of UT through Secretary and another

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

**Present: Ms. Swati Batra, Advocate,
for the petitioner .**

Rakesh Kumar Jain, J.

The petitioner has prayed for the grant of financial assistance of ₹20,000/- each on account of the marriage of her two daughters in terms of the Financial Assistance for the Marriage of Daughters of Widows and Destitute Women belonging to Scheduled Caste (hereinafter referred to as the "scheme") notified on 02.07.2007.

In brief, the petitioner is a widow and belongs to the Scheduled Caste. She has two daughters, namely, Suman and Manjit Kaur, who were married on 16.10.2015. She had applied for the grant of financial assistance under the scheme on 02.11.2015, which has been declined by the Competent Authority on the ground that the applications were not received within the prescribed period, i.e. two months prior to the date of marriage, and also the marriage of both the daughters of the petitioner has already been solemnized on 16.10.2015.

Counsel for the petitioner has submitted that the petitioner had applied for the financial assistance on 02.11.2015, whereas the marriage of her

daughters was solemnized on 16.10.2015. It is submitted that although as per Clause 4 of the scheme, the application has to be filed in the prescribed format to the Director, Social Welfare, Chandigarh Administration, two months prior to the date fixed for marriage and the petitioner applied even after the solemnization of marriage but she is still entitled to the grant of financial assistance as the scheme is formulated for the welfare of the widow/destitute women belonging to Scheduled Caste and is a social welfare scheme.

I have heard learned counsel for the parties and examined the available record with their able assistance.

In this case, the question involved is of interpretation of the scheme, which is reproduced as under:-

**“CHANDIGARH ADMINISTRATION
SOCIAL WELFARE DEPARTMENT
Notification
The 2nd July, 2007**

No.RA/SWD/2007/4358.- The Administrator, Union Territory, Chandigarh, is hereby pleased to formulate the scheme for “Financial Assistance for the marriage of Daughters of Widows and Destitute Women belonging to Scheduled Caste”.

1. Aim.- The main object of the scheme is to provide the financial assistance for meeting the marriage expenses of the daughter of widows and destitute women belonging to Scheduled Castes.

2. Eligibility Criteria.- (a) The mother of bride should be widow or a destitute woman. A woman will be termed as destitute if she is divorced or separated from her husband or she has been deserted by her husband (for more than seven years in case missing/separated/deserted) or her husband is unable to earn any livelihood because of long illness or is physically handicapped or for similar reasons.

(b) The bride should at least be of 18 years of age on the date of marriage and it should be her first marriage.

(c) The income of the family of the bride from all sources should not exceed of Rs.24,000/- p.a.

(d) The mother of the bride should belong to Scheduled Caste and residing in the U.T., Chandigarh for the last three years.

(e) If both the parents of the bride are dead, the guardian will be entitled to this assistance, provided his/her annual income does not exceed Rs.24,000/- p.a.

(f) The assistance shall not be available to an applicant for marriage of more than two daughters in a family.

3. Financial Assistance.- (a) Keeping in view the aim of the scheme, the administration will provide benefit/financial assistance of Rs.10,000/- for marriage of each daughter, maximum upto two daughters in family.

(b) It will be given on first come first serve basis, if found eligible.

4. Procedure for Application.- An application in the prescribed form for sanction of financial assistance should be submitted to the Director, Social Welfare, Chandigarh Administration, two months prior to the date fixed for marriage.

5. Sanctioning Authority.- (a) Director, Social Welfare, Chandigarh Administration shall be sanctioning authority that shall pass orders in each case on the basis of the report of the Tehsildar, U.T., Chandigarh for this purpose.

(b) A utilization certificate would be furnished by the applicant within 15 days after the marriage is solemnized duly countersigned/attested by the Sarpanch of the village or a Gazetted Officer.

6. Mode of Payment.- (a) The Director, Social Welfare, Chandigarh Administration will be Drawing and Disbursing Officer. The assistance will be given in the shape of RTR/Bank Draft.

(b) The Director, Social Welfare, Chandigarh Administration will make all out efforts to ensure disbursement of the assistance at least before the date of marriage.

7. Withdrawal.- The benefit sanctioned under the scheme shall be withdrawn by the Director, Social Welfare, if the marriage is not solemnized within from the two months from the date of receipt of assistance, failing which the amount will be recovered as arrears of the Land Revenue.

8. Claim.- The claim of incentive for the marriage of the

daughter of widow and destitute belonging to Scheduled Castes will not be claimed as a matter of right.

KRISHNA MOHAN,
Secretary, Social Welfare,
Chandigarh Administration”

The aim and object of the scheme is to provide the financial assistance to the daughters of widows and destitute women belonging to Scheduled Caste. The Administration is to provide assistance of ₹20,000/- for marriage of each daughter, maximum up to two daughters in the family and the procedure is prescribed in Clause 4 of the scheme for making an application in the prescribed format to the Director, Social Welfare, Chandigarh Administration, two months prior to the date fixed for marriage. The sanctioning authority is the Director, Social Welfare, Chandigarh Administration, who shall pass an order regarding sanctioning the grant on the basis of the report of the Tehsildar, U.T., Chandigarh. The person, to whom the grant is sanctioned, is also required to furnish the utilization certificate, duly countersigned/attested by the Sarpanch of the village or a Gazetted Officer, within 15 days of the solemnization of the marriage. Clause 7 of the scheme further provides that the benefit granted under the scheme shall be withdrawn if the marriage is not solemnized within two months from the date of receipt of the assistance and in case it is not returned, then it would be recovered as arrears of the land revenue.

Thus, the scheme, though may be formulated with a view to provide financial assistance to a widow or a destitute woman belonging to Scheduled Caste as a measure of social welfare, but it has its own limitations as a period has been prescribed within which the application has to be filed, manner is also prescribed for filing the application, the Competent Authority is

also obliged to obtain the report of the Tehsildar, UT, Chandigarh before sanctioning the amount and the person, to whom the money is disbursed, is also required to submit the utilization certificate within a period of 15 days of the solemnization of marriage after getting it countersigned/attested by the Sarpanch or the Gazetted Officer and the power has also been saved with the Director, Social Welfare, Chandigarh Administration to withdraw the sanction of the financial assistance if the marriage is not solemnized within two months from the date of receipt of assistance.

Thus, in view of the aforesaid provisions of the scheme, the petitioner cannot claim the financial assistance, much after the performance of marriage of her daughters, just in the name of social welfare as the scheme has to be followed in its letter and spirit, otherwise there would be no justification for formulating it, in which internal checks and balances have been provided to do away any kind of misappropriation of funds.

Consequently, the present petition is hereby dismissed being denuded of any merit, though any order as to costs.

September 18, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No