

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-24540-2017 (O&M)
Date of Decision: 04.07.2019

Kela Devi & another

--Petitioners

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Narender Pal Bhardwaj, Advocate for the petitioners.

Mr. N.K. Parmar, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Instant petition has been filed seeking a Mandamus for directing respondent authorities to release in favour of the petitioners the financial benefits amounting to Rs.25,000/- under the “Apni Beti Apna Dhan Scheme”.

The Govt. of Haryana, Department of Woman & Child Development in an endeavor to reduce the instances of female foeticide and for correcting the gender ratio between male and female children introduced a welfare scheme by the name of “Apni Beti Apna Dhan” in the year 1994. The salient objectives of the Scheme were as follows:-

- “.To raise the status of the girl child in the society.*
- . Attempt to improve the status of the mother in the family, who delivers a girl child.*
- . To combat the menace of female foeticide, which has devastating demographic and social consequences to restore the demographic sex ratio imbalance in the State of Haryana.”*

There is also no dispute as regards the factual premise that while granting benefit under such Scheme the State of Haryana targeted the following social strata:-

- (i) All families belonging to Scheduled Castes/Backward Caste categories (except Gazetted Officer).
- (ii) Families of General Caste Category living below the poverty line.

The petitioners herein are mother and daughter. They both belong to the Scheduled Caste category as well as to the marginal income group of society. Petitioner no.2 was born to petitioner no.1 on 16.3.1998. In para 4 of the written statement filed by the Child Development Project Officer, Tehsil Indri, District Karnal, it stands admitted that the petitioners had applied for the benefit under the policy and were enrolled on 16.3.1998 itself and the name of petitioner no.2 figured at Sr. No.27 of Village Khanpur, District Karnal. As per the Scheme/Policy an amount of Rs.500/- was to be released to the mother immediately on the birth of the girl child to meet nutritional requirement and Rs.2500/- was to be invested in the Indra Vikas Patra in the name of newly born baby and which was to be disbursed after 18 years. The maturity value was to be Rs.25,000/-.

Even though, Rs.500/- was given to petitioner no.1 at the time of birth of petitioner no.2 but the other financial incentive has been denied and a justification is sought to be put forth that the “Apni Beti Apna Dhan Scheme” stood discontinued w.e.f. July, 1999. It has further been stated in the reply that the matter was under consideration with the State Govt. from July, 1999 onwards and the Scheme then was scrapped/withdrawn w.e.f. 1.4.2005.

The justification being put forth at the hands of the State cannot be accepted. Petitioner no.1 got enrolled her application upon the birth of petitioner no.2 on 16.3.1998 itself. This fact stands conceded in the written statement filed on behalf of the State. At that point of time the “Apni Beti

Apna Dhan Scheme” was very much alive and operative. It is not the case made out on behalf of the State that the application of the petitioners had not been processed on account of any deficiency of not providing documents at the end of the petitioners. A loose expression has been employed that the matter was “kept under consideration”. It is only indicative of the lethargy at the hands of the concerned respondent authority. A right had come to vest in the petitioners for consideration and grant of the financial incentive under the “Apni Beti Apna Dhan Scheme” and the same stood crystalized during the currency of the Scheme. Withdrawal of the Scheme/closure thereof subsequently in the year 1999 or in 2005 would not be of any consequence.

It is found that the petitioners have also successfully made out a case of glaring discrimination. In para 7 of the writ petition it has been categorically averred that one Komal Rani daughter of Shamsheer resident of Village Khanpur, District Karnal whose date of birth is 25.9.1998 i.e. subsequent to the date of birth of petitioner no.2 has been released the financial benefits under the Scheme. There is no denial to such assertion in the written statement that has been filed. Action of the respondent authorities is clearly discriminatory, arbitrary and violative of Article 14 of the Constitution of India.

For the reasons recorded above, the instant writ petition is allowed.

Respondent no.2 i.e. the Director, Woman & Child Development, Haryana and under the aegis of which the “Apni Beti Apna Dhan Scheme” was being operated, is directed to release in favour of the petitioners a sum of Rs.25,000/- within a period of one month from the date of receipt of the certified copy of this order.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

04.07.2019
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No