

Santosh

***IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION (SUO MOTU)
NO.1/2021***

DISABILITY RIGHTS
ASSOCIATION OF GOA,
THR. THE PRESIDENT,
AVELINO DE SA.

..... Petitioner.

Versus

THE STATE OF GOA, THR.
THE CHIEF SECRETARY
AND ANR

..... Respondents.

Mr. D. J. Pangam, Advocate General with Ms. Ankita Kamat,
Additional Govt. Advocate for the Respondents.

***Coram : M.S. Sonak &
Smt. Bharati H. Dangre, JJ.***

Date : 22nd February, 2021.

P.C. :-

Heard Mr. D.J. Pangam, the learned Advocate General
along with Ms. Ankita Kamat, learned Additional Govt. Advocate for
the Respondents.

2. On 20th January, 2021, we made the following order :

“ Disability Rights Association of Goa has addressed a communication dated 14th January, 2021 to this Court, pointing out that the monthly stipend of Rs.2,000/- which the State Government in terms of its scheme was paying to the poor and needy persons with disability, has not been

paid for the last 5 months. Accordingly, we direct this letter to be registered as a Suo Motu Public Interest Litigation and issue notice to the State of Goa and the Director of Social Welfare Department, Government of Goa, returnable on 1st February, 2021.

2. At our request, the learned Advocate General has appeared in the matter, along with Ms. Ankita Kamat, learned Additional Government Advocate. Ms. Kamat waives service on behalf of the Respondents. The Registry to furnish a copy of the letter dated 14th January, 2021 to Ms. Kamat, at the earliest.

3. S.O. to 1st February, 2021.”

3. On 3rd February, 2021, the learned Advocate General made a statement that an amount of ₹ 27.00 crores has already been released to the concerned Departments for implementation of various welfare schemes.

4. Today, the learned Advocate General has tendered an affidavit filed by Shri Umeshchandra Joshi, Director of Social Welfare, Government of Goa in this matter. The affidavit states that there are 1,37,488 beneficiaries under the Dayanand Social Security Scheme, which is governed by the Dayanand Social Security Scheme Rules, 2001. Out of these beneficiaries, almost 11,480 persons are beneficiaries under the category of persons with disability.

5. Paragraphs 7 to 14 of this affidavit, read as follows :

“ 7) I say that at present, financial assistance of Rs. 2000/- under the Dayanand Social Security Scheme and Disabled Children with Disability less than 90% shall be entitled for the monthly financial assistance of Rs. 2500/per month and person with Disabilities is having 90% and above disability is entitled for the financial assistance of Rs. 3500/- per month is provided as disabled pension to persons with disability under the said scheme. Further, upon demise of the beneficiary under the category of persons with disability, their spouse are entitled to the financial assistance under the scheme in accordance with the terms laid down therein.

8) I say that the amount towards the financial assistance under the said scheme are directly credited into the Bank Accounts of the beneficiary. I say that this authority credits the amounts towards financial assistance under the said scheme into the bank accounts of the beneficiary.

9) I say that the amount towards the financial assistance in terms of the said scheme is released by the Directorate of Accounts, State of Goa, in the dedicated Bank Account operated of this Respondent, which is thereafter credited by this Respondent into the accounts of the beneficiaries. I say that at present, approximately Rs. 27,00,00,000/- is released every month by the Directorate of Accounts towards financial assistance in terms of the said scheme.

10) I say that the bill seeking release of financial assistance under the DSS scheme is duly prepared and inwarded by this Respondent in the Directorate of Accounts, State of Goa, and upon due approval and clearance of the same by the Directorate of Account, money towards the same is credited with this Respondent to be thereafter released to

the beneficiaries. I say that bills pertaining to each month are inwarded by this Respondent with the Directorate of Accounts as expeditiously as possible at the beginning of the next month.

11) I say that the details pertaining to bills from the period of Aug 2020 to January 2021 as inwarded by this Respondent in the Directorate of Accounts are as follows:

<i>Month to which the bills pertain.</i>	<i>Date of inward in the Directorate of Accounts</i>	<i>Amount of the Bill</i>	<i>Date on which the money is released by the Directorate of Accounts.</i>
<i>August 2020</i>	<i>16/09/2020</i>	<i>27,20,00,000/-</i>	<i>07/12/2020</i>
<i>September 2020</i>	<i>6/10/2020</i>	<i>27,00,00,000/-</i>	<i>19/01/2021</i>
<i>October 2020</i>	<i>28/10/2020</i>	<i>4,00,00,000/- 23,70,00,000/-</i>	<i>03/02/2021</i>
<i>November 2020</i>	<i>27/11/2020</i>	<i>3,00,00,000/- 24,70,00,000/-</i>	<i>04/02/2021</i>
<i>December 2020</i>	<i>01/01/2021</i>	<i>27,70,00,000/-</i>	<i>05/02/2021</i>
<i>January 2021</i>	<i>01/02/2021</i>	<i>27,70,00,000/-</i>	<i>Not yet released.</i>

12) It is reiterated that upon release of the amounts by the Directorate of Accounts in terms of the last column hereinabvoe, the amounts are forthwith credited in the bank accounts of the beneficiaries. The details of dates on which the amounts have been released by this Respondent in favour of the beneficiaries are as follows:

<i>Month to which the bills pertain.</i>	<i>Date on which the money is released by the</i>	<i>Date on which money is released by the Directorate</i>
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	<i>Directorate of Accounts.</i>	<i>of Social Welfare in favour of the beneficiaries</i>
<i>August 2020</i>	<i>07/12/2020</i>	<i>21/12/2020</i>
<i>September 2020</i>	<i>19/01/2021</i>	<i>25/01/2021</i>
<i>October 2020</i>	<i>03/02/2021</i>	<i>12/02/2021</i>
<i>November 2020</i>	<i>04/02/2021</i>	<i>12/02/2021</i>
<i>December 2020</i>	<i>05/02/2021</i>	<i>12/02/2021</i>
<i>January 2021</i>	<i>Not yet released.</i>	<i>Not yet released.</i>

13) I say that the delay in crediting the amounts towards the beneficiaries of the said scheme from September 2020 till date has been on account of delay on the part of Directorate of Accounts in release of the amounts in favour of this Respondent. It is reiterated that upon receipt of the amount towards financial assistance in terms of the said scheme by this Respondent from the Directorate of Accounts, money is forthwith credited in favour of the beneficiaries, and there is no delay in the same. I say that prior to the COVID-19 pandemic, amounts pertaining to the DSS scheme were credited in favour of the beneficiaries in a timely manner, each month.

14) I say that this Respondent has been duly striving to provide benefit in terms of the said scheme to the members of the public, and will continue to do so with utmost sincerity and dedication. I say that any delay towards release of the amounts in terms of the DSS scheme is not attributable to-any laxity on the part of this Respondent, and this Respondent inwards bills and releases the money as received after clearance of the bills from Directorate of

Accounts in a timely manner, without any delay.”

6. From the aforesaid, it is clear that the payments under the Scheme have been effected upto December, 2020. The affidavit states that there was some delay on account of COVID pandemic situation, but now steps will be taken to ensure that payments are regularly made to the beneficiaries under the Scheme.

7. The learned Advocate General states that even the Director of Accounts was to file an affidavit in this matter, assuring this Court that payments will be made regularly, so that the beneficiaries under the Scheme have some sustenance.

8. According to us, steps are being taken to make timely payments to the beneficiaries under the Scheme, which includes persons with disability. The Director of Social Welfare, as well as the Director of Accounts, have assured us that payments will be regularly made.

9. The grievance of the Disability Rights Association of Goa stands substantially redressed and, therefore, we dispose of this Petition by accepting the statement made in the affidavit as undertaking to this Court.

10. The Petition is disposed of.

11. All concerned to act based on the authenticated copy of this order.

12. Registry to forward a copy of this order to Disability Rights Association of Goa.

Smt. Bharati H. Dangre, J.

M.S. Sonak, J.

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