

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-6053-2020 (O&M).
Date of Decision: 22.08.2023.

RATI RAM

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Arpandeeep Narula, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the order dated 26.04.2019 (Annexure P-4) passed by respondent No.3-District Social Welfare Officer, Sirsa, Department of Social Justice Empowerment, Haryana whereby the Old Age Samman Allowance earlier granted to the petitioner has been held to be illegal and has been ordered to be stopped for future.

Learned counsel for the petitioner contends that the petitioner claims to be a senior citizen aged more than 75 years as on today. He had applied for grant of Old Age Samman Allowance in March 2006 on attaining the age of 60 years. He contends that the eligibility criteria for the grant of Old Age Samman Allowance is as under:-

“A. Eligibility Criteria:

At present, any person is eligible for the grant of Old Age Samman Allowance if,

- (i) The person is of the age 60 years or more’*
- (ii) The person is domicile and resident of Haryana State; and his/her income from all sources together with that of his/her spouse does not exceed Rs.2,00,000/- per annum.”*

A reference is made to the Identity Card issued by the Election Commission of India of bearing No.HR/10/84/171120 issued on 24.01.1995 as per which the date of birth of the petitioner as on 01.01.1994 is stated to be 48 years. The relevant extract of the same reads thus:-

“HR/10/84/171120

Elector’s Name: Rati Ram

Father/Mother/Husband’s Name: Chhotu Ram

Sex: Male

Age as on 01.01.1994: 48 years

Address: H. No.52, Village Hebuana, Tehsil Dabwali, District Sirsa.”

It is also contended that a Senior Citizen Identity Card was issued to the petitioner bearing identity card 17/03009/247 on 07.01.2010 as per which the age of the petitioner was 66 years.

Learned counsel for the petitioner then refers to the impugned order dated 26.04.2019 whereby the pension was ordered to be discontinued and submits that the said aforesaid order is based on an enquiry claimed to have been conducted whereupon the age of the petitioner was found to be less/ and that he did not appear before the enquiry team, in compliance to

the order given by the Punjab and Haryana High Court. He argues that the respondents have nowhere disputed the authenticity of the documents including the identity card issued by the Election Commission of India as well as Senior Citizen Identity Card issued by the Government of Haryana. Reference is also made to the written statement filed on behalf of the respondents through the District Social Welfare Officer, Sirsa, wherein the respondents have adopted a stand that vide interim order dated 21.09.2011 passed in CWP No. 13209-2011 titled as 'Court on its own motion Vs. State of Haryana and others' the respondent-department was directed to constitute a committee in each District for verification of beneficiaries of old age pension. In compliance thereto, the team was constituted by the respondents to enquire into the eligibility of all the beneficiaries in District Sirsa including the petitioner. 10 persons including the petitioner were found ineligible for being underage. The enquiry report has been appended as Annexure R-4 which reflects that the same is only a tabulation of the persons noticed to be ineligible and does not give any reasons for such ineligibility and/or verification of any documents conducted by the respondents or even the basis for recording such finding.

Learned State counsel, on the other hand, contends that the petitioner has not furnished the documents to prove his date of birth and also did not appear before the Committee constituted by the respondents. Consequently in the absence of any documents available with the respondents, establishing age of the petitioner, he was found ineligible.

He however, could not refer to any material on the basis whereof the respondents have assessed that the petitioner was not eligible.

Further, even though the specific documents have been appended by the petitioner with the present writ petition and the legality/authenticity of the said documents is also not denied. Consequently, I find that the report furnished by the Enquiry Committee constituted by the respondents does not refer to any objective material collected/analysed by the respondents on the basis whereof any finding of ineligibility could be validly recorded more-so when the ancillary supporting documents reflect that the petitioner was more than 60 years of age in the year 2005 when the aforesaid allowance under the pension Scheme was granted to the petitioner. Hence, I find that the order dated 26.04.2019 (Annexure P-4) passed by respondent No.3-District Social Welfare Officer, Sirsa, Department of Social Justice Empowerment, Haryana, suffers from lack of evidence and material to substantiate or corroborate the conclusions recorded. Consequently, the said order is set aside.

It is further directed that the petitioner shall submit the documents appended along with the present petition to the respondent No.3-District Social Welfare Officer, Sirsa within a period of 02 weeks of the receipt of a certified copy of the order. The respondents shall conduct their enquiry and record a final finding about validity and authenticity of such documents within a period of 04 weeks thereafter.

Learned State counsel, on instructions of Mr. Chander Mohan Assistant, Department of Social Justice Empowerment, Haryana has undertaken that on submissions of such documents along with the application, enquiry shall be conducted and concluded within the period of 04 weeks and a decision shall be taken within a period of 02 weeks

thereafter. In the event, the documents in question are found to be valid and genuine, the requisite benefits under the Old Age Samman Allowance shall be released to the petitioner within a further period of 06 weeks thereafter, along with all arrears, as per the assessment made.

The petition stands disposed of accordingly.

August 22, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No