

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-27421-2019

Date of decision: 15.11.2023

FATIMA AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Navjot Singh, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition is for seeking issuance of directions to the respondents to release the Old Age Pension qua the petitioner No.1 and the Handicapped Pension qua the petitioner No.2 as both of them are eligible for the respective Social Welfare Pensions under the scheme notified by the State of Haryana.

2. Learned counsel appearing on behalf of the petitioner contends that insofar as the Handicapped pension of petitioner No.2 is concerned, the same has already been restored by the respondents and as such, the present writ petition has been rendered infructuous qua petitioner No.2 and the

present petition survives only qua the Old Age Pension admissible to petitioner No.1.

3. Counsel for the petitioner contends that the petitioner No.1 was receiving the Old Age Pension for last more than 18 years and was also issued Senior Citizen Certificate and the Identity Card bearing No. 20/04723/N38 on 20.11.2013 and was declared as a senior citizen. A further reference is made to the date of birth as mentioned in the Aadhar Card as 01.01.1951. The pension of the petitioner was stopped on account of complaint filed by Sarpanch of village Sidharawat. A notice dated 27.12.2017, was sent to the petitioner to putforth her case against the allegations leveled by the complainant that the pension had been secured on the strength of forged and fabricated documents and record. The petitioner approached the respondent No.3 on receipt of the said notice, however, the respondents did not consider the documentation provided by the petitioner and decline the claim. The recovery is also being sought to be effected.

4. Counsel for the respondent-State, on the other hand has submitted that the petitioner No.1 was obtaining Old Age Pension since November, 2004 under the Social Security Scheme namely Old Age Samman Allowance Scheme notified by the Government on 13.08.1992 and amended on 20.09.2006. A complaint was received on the CM window portal against petitioner No.1 for having obtained the benefit under the above said scheme by forged documents and thus money was drawn wrongly from the public exchequer. The show cause notice was issued to the petitioner No.1 to produce documents as regards her valid age proof to establish her eligibility for getting Old Age Pension, however, no document was submitted by her to establish the age. Thereafter, in order to enquire into

the said matter, the answering respondent had arranged the documents at its own level regarding age of petitioner No.1. Along with the same, the date of birth of the eldest child of the petitioner, i.e. her daughter Kalsum has also seen. In the voter list of the year 2014, the age of the petitioner against her vote at serial No. 516 was reflected as 50 years. Whereas in the voter list of the year 2019, her age was reflected as 69 years. The age of the eldest daughter was reflected as 15.05.1978 as per the birth certificate issued by the Registrar, Birth and Death, Mewat. Therefore, as in the year 2018, Kalsum had completed her 40 years of age. Hence, the petitioner was found to be ineligible for getting Old Age Pension in terms of the instructions dated 24.08.2018 (Annexure R-6) issued by the State Government for want of documentary valid age proof of the petitioner.

5. Counsel for the petitioner, however, contends that he would be satisfied at this juncture in case the respondent-authorities are directed to reconsider the claim of the petitioner on the strength of the documents being presented by her not only with respect to the pension granted to her earlier but also with respect to the entitlement of the petitioner to the grant of pension for future purposes.

6. Counsel for the respondent-State has no objection to the aforesaid request.

7. Taking into consideration, the submission made by the petitioner that her documents regarding her valid age proof may be considered in order to determine her eligibility as on the date when the benefit under the scheme was released to her. The present petition is disposed with liberty to the petitioner to approach the District Social Welfare Officer within a period of 04 weeks alongwith all requisite documents to

substantiate and support her claim with respect to eligibility for grant of the Old Age Samman Allowance. Upon receipt of such documents, the respondent-authorities shall consider the same in accordance with law and take a decision after granting an opportunity of hearing to the petitioner No.1. In the event, the petitioner No.1 is not found entitled to the release of pension for some period, the respondents would be entitled to effect recovery of the said amount from the petitioner. However, the future claim of the petitioner for grant of benefits in terms of the policy shall be duly considered and appropriate order be passed within a period of 04 months thereafter.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 15, 2023

Vishal Sharma

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