

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25862 of 2021 (O&M)

Date of decision : 11.09.2023

Arjun Mahila Shilp Kala Kendra

....Petitioner

Versus

Union of India and Ors.

....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S BHARDWAJ

Present :- Mr. Ish Puneet Singh, Advocate for the petitioner.

None for respondent No.1.

Mr. Deepak Kundu, Advocate for

Mr. Piyush Khanna, Advocate for respondent Nos.2 to 4.

VINOD S BHARDWAJ, J. (ORAL)

Present petition has been filed raising challenge to the impugned letter/communication dated 29.10.2021 whereby the request of the petitioner made in the application dated 17.03.2021 (Annexure P.3) for setting up of Working Women Hostel-cum-Day Care Centre at House No.550, Village Mauli Jagran, Opposite Ayushman Bharat Health Centre, Chandigarh, has been declined on the pretext that the same does not fulfil the criteria/norms laid down in the scheme for working Women Hostel.

It is stated that the petitioner-Society, who is actively involved in carrying out various social works and has been serving the society at large since 1987, had applied for setting up of Working Women Hostel-cum-Day Care Centre at House No.550, Village Mauli Jagran, Opposite Ayushman Bharat Health Centre, Chandigarh in the prescribed format on 17.03.2021. Vide letter

dated 13.04.2021, the petitioner was required to submit certain additional documents and the same were submitted by the petitioner. Despite all the terms having been fulfilled by the petitioner with the documentation being supplied, the application was rejected vide impugned order dated 29.10.2021 (Annexure P-6):

*“From
The Secretary Social Welfare,
Women and Child Development,
Chandigarh Administration.
To
The Manager,
Arjun Mahila Shilp Kala Kendra,
Head Office: 2110, Sector 38-C, Chandigarh-160014.
Memo No.SW3/2021/9323
Dated Chandigarh, the 29/10/21
Subject: Regarding setting up of Working Women Hostel-
cum-Day Care Centre at House No.550, Village Mauli Jagran
Opposite Ayushman Bharat Health Center, Chandigarh.
Reference your letter No.125/Arj/21 dated 17.03.2021, on the
subject noted above.
It is intimated that your application does not fulfil the
criteria/norms laid down in the scheme for Working Women
Hostel.
Sd/- Superintendent for Secretary Social Welfare,
Women & Child Development,
Chandigarh Administration.”*

Upon notice, reply on behalf of respondent Nos.2 to 4 has been filed wherein it has been averred that vide letter dated 13.04.2021 (Annexure P-4), certain documents were sought from the petitioner and in pursuance of the same, all the relevant documents were submitted by him. Reply further states that vide letter dated 31.08.2021 (Annexure R-2/1), the petitioner was further required to submit certain other documents, which do not include the documents sought from the petitioner vide letter dated 13.04.2021, and for want of the same, impugned order dated 29.10.2021 (Annexure P-6) was passed, rejecting the application of the petitioner.

Learned counsel for the petitioner contends that no reason has been assigned in the impugned order as to why the claim of the petitioner could not be considered, hence the same is unsustainable and arbitrary. He submits that he will have no objection, in case, application of the petitioner is re-considered by the respondents and subject to his fulfilling all the conditions precedent and a fresh reasoned speaking order be passed after providing opportunity of hearing to the petitioner.

Counsel for the respondents have no objection to the above prayer.

Having heard learned counsel for the parties and on perusal of the pleadings raised in the petition, present petition is disposed of, without commenting on merits, giving liberty to the petitioner to file an application before the concerned Competent Authority afresh along with all the necessary documents as per the Scheme. If such an application is filed, an appropriate reasoned speaking order shall be passed by the respondents within six months from the date of receipt of such application and after affording hearing to the concerned parties.

Petition stands disposed of accordingly.

September 11, 2023
manoj

(VINOD S BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : No