



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CWP-11055-2024
Date of decision: 13.12.2024

PINKI

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: - Mr. C.S. Singhal, Advocate for the petitioner

Mr. Suneel Ranga, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for quashing the impugned order dated 22.02.2024 (Annexure P-6) passed by respondent No.2-Chief Executive Officer, Haryana Parivar Suraksha Nyas, Panchkula whereby the application of the petitioner for grant of financial assistance under the “*Deen Dayal Upadhyaya Antyodaya Parivar Suraksha Yojna (DAYALU)*” (hereinafter referred to as “Dayalu”) has been declined on the ground that the application for grant of relief had been submitted after 138 days of death.

2. Counsel for the petitioner contends that Ravinder Pal-husband of the petitioner expired on 02.04.2023. The Government of Haryana notified the Dayalu Scheme on 24.05.2023 w.e.f. 01.04.2023 as per which in the event of a member of family having an annual income less than 1.80 lacs



as verified, in Family Information Data Repository (FIDR) Database, could seek financial assistance from the State.

3. The petitioner accordingly submitted her application alongwith her Parivar Pehchan Patar ID 1BVN5911 for grant of financial assistance/compensation of Rs. 3 lakhs under the said scheme. The application was found in order and she was given her application/ticket No.CFE36C9. The respondents thereafter issued a subsequent notification on 09.11.2023 wherein even though the date of scheme coming into force was not disputed, however, they specified a period of three months as the time for submitting an application under the Scheme. The application dated 18.08.2023 submitted by the petitioner was according rejected vide order dated 21.11.2023 on the ground that the application had to be submitted within a period of 90 days of coming into force of the scheme whereas the same was submitted only on 18.08.2023 i.e. after 138 days of the occurrence of the event.

4. Aggrieved thereof the present writ petition has been filed.

5. Learned State Counsel refers to the short reply filed by way of affidavit of Pankaj, Chief Executive Officer, Haryana Parivar Surksha Nyas and submits that notified scheme mandated that an applicant has to submit the request within 90 days for grant of financial assistance whereas the application in the present case was submitted after 138 days. It is submitted that even though the scheme was notified later in point of time, however, the portal has already been opened for general public to submit an application on 16.03.2023. The same was thus brought to the notice of all concerned to



submit their requisite claims. The notification of 24.05.2023, as amended, specifically provided that the Standard Operating Procedure (SOPs) for implementation of the scheme would be issued separately and that the entire scheme document was in public domain and as such, the petitioner would be deemed to be aware of the procedure prescribed thereunder. Having failed to submit an application within a period of 03 months and the grace period of one month, the claim of the petitioner cannot be considered.

6. The emphatic argument of the respondent-State that the scheme was launched in March, 2023 is devoid of any merit since in the absence of any notification in accordance with law, there is no legal sanctity to any such portal being set up. A person cannot be held to be disentitled to the benefit despite the said portal not having a statutory backing. Therefore, the contention of the respondent-State that mere launching of portal would entail a consequence and mandate an applicant seeking financial assistance to submit an application failing which her rights shall stand defeated is misconceived and is not based on correct understanding of the mandate of law and the object of the scheme.

7. I have heard learned Counsels appearing on behalf of the respective parties and have gone through the documents available on record.

8. It is not in dispute that the Government of Haryana had initially notified the Dayalu Scheme on 24.05.2023 with an object of providing financial assistance to a family which has an annual income of less than Rs. 1.80 lakhs in case of death (Natural & Accidental) or permanent disability (caused by accident) in respect of a member. The said scheme was made



effective from 01.04.2023. The compensation was to be given only in the event of death or permanent disability according to the rates so specified in the scheme. It is also reflected that there was no time period specified in the originally notified Dayalu Scheme for submission of an application for grant of financial assistance, from the date of death. The aforesaid scheme was substituted vide notification dated 09.11.2023 wherein even though the date of implementation was to remain the same, in the procedure that was so specified, a period of 03 months was introduced as the time period within which an application for financial assistance had to be submitted from the occurrence of accidental death/natural death/permanent disability.

9. The contention of the respondent-State that they had already issued a portal and an online application could be issued through the same does not convince this Court. In the absence of any scheme having been notified, there is no occasion for any person to apply. Moreover, the initial scheme as notified on 24.05.2023 did not prescribe any timeline within which an application for financial assistance had to be submitted. There can, thus, be no presumption of a 90 days period to be mandatory for submission of an application for grant of financial assistance. The said clause was introduced vide notification of 09.11.2023, however, the respondents have applied the said clause of 03 months for submission of an application for grant of financial assistance from the date of occurrence of the incident notwithstanding that the same would deprive the objective of the benefits under the scheme which originally did not prescribe any such limitation and that the period had to be counted at best from the date when the notification



prescribed any such period for submission of an application.

10. It would be a travesty of justice in case the contention of the respondent is considered and it is held that even though the petitioner applied for the financial assistance on 18.08.2023 (i.e. when there was no period of limitation prescribed and the notification prescribing the date of limitation came in existence only on 09.11.2023). The petitioner cannot be held ineligible for the benefits on account of a subsequent notification prescribing limitation especially as on the date when the application was submitted, there was no such impediment or prohibition. Denial and deprivation of such benefit would run contrary to the social welfare of the scheme. Such retrospective application of period of limitation to the prejudice of an applicant would not be congruent to the welfare objective of the scheme.

11. For the foregoing reasons, I am of the opinion that the reasons for declining the claim of the petitioner by applying the limitation period of three months for submission of an application is based on incorrect appreciation of law and object of the said scheme. The instant writ petition thus deserves to be allowed. The orders passed by the respondents are liable to be set aside. Since no other reason for denial of the claim has been conveyed by the respondents in the letter of communication, they are directed to henceforth release the benefit admissible to the petitioner under the said policy within a period of three months of receipt of certified copy of this order.

12. The respondents are held further liable to pay a compensation of



CWP-11055-2024

-6-

Rs. 50,000/- for taking a stand which was contrary and invalid in the eyes of law and thus having forced the petitioner for an unwanted litigation. Let the aforesaid cost be recovered from the officer who has passed the said order which shows lack of primary understanding of the scheme.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 13, 2024
Vishal Sharma

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