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220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24301 of 2019 (O&M)
Date of decision : August 07, 2024

Varinder Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present : Mr. Rohit Aggarwal, Advocate for
Ms. Samridhi Sareen, Advocate
for the petitioner (Legal Aid Counsel)

Ms. Akshita Chauhan, DAG., Punjab.

VINOD S. BHARDWAJ, J (Oral)

1. The present petition seeking setting aside of the order dated 23.04.2019 passed by Director, Department of Social Security of Women and Child Development whereby the daughter of the petitioner was held ineligible for benefits provided under the 'Kanya Jagriti Jyoti Scheme'.
2. Learned Legal Aid counsel appearing for the petitioner apprises this Court that the petitioner was issued a yellow card as per the Scheme of the Government of Punjab vide Memo No.233/FK dated 31.03.1993, District Ferozepur and the said yellow card was repeatedly renewed and was valid upto 30.09.2009.

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3. It is contended that the petitioner met with a serious accident which resulted in a loss of leg, fracture of ribs as well as shoulder resulting in 100% physical disability to the petitioner with no regular source of income to survive.

4. It is contended that the Government of Punjab had introduced Kanya Jagriti Jyoti Scheme in the year 1996-1997 with an object to uplift the social status of girls and to reduce their school drop-out rate. The said scheme is being implemented by the Department of Social Security for Women and Child Development, Government of Punjab. It provides financial assistance to the girl child who belongs to BPL families and mandates the parents to adopt a two child norm. As per admissible benefits under the scheme, the Government of Punjab deposits Rs. 5,000/- at the time of birth of girl child with LIC and during the school years of the girl child and also disburses the scholarship, in case she is pursuing her studies. He contends that a lump sum amount is thereafter to be disbursed to the girl child on attaining the age of 18 years or 21 years as per the decision of the family, against the sum of Rs.5,000/- invested with the LIC.

5. He contends that Shelly Rani daughter of the petitioner was born on 01.01.1997 and an application form for availing the benefit under the Kanya Jagriti Jyoti Scheme was submitted in the year 1997 with one Jaspal Kaur, who was CDPO, Ferozepur at the time. The benefits admissible under the Scheme were assured to the petitioner. Shelly Rani, daughter of the petitioner, started going to the School in the year 2002 and received the scholarship amount for a year or two but thereafter no payments were made to the girl child or to the family of the petitioner. She finished her 12th standard in the year 2014 and was pursuing B.Sc



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(Nursing) at Meera College at Abohar at the time of filing of the writ petition in the year 2019.

6. He submits that the petitioner has been making various representations to the respondents for release of the financial benefits under the Kanya Jagriti Jyoti Scheme, however no action was taken. The petitioner was thus, constrained to approach this Court by filing CWP-6924 of 2019, through the High Court Legal Services Committee, wherein a direction was issued to the respondents to take a decision with regard to the claim of the petitioner and to communicate the order on his request within a period of two weeks from the date of passing of the order by the High Court.

7. In compliance thereto, an order dated 23.04.2019 was passed by the Director, Department of Social Security of Woman and Child Development, Punjab which is now a subject matter of challenge in the present Writ Petition wherein the claim filed by the petitioner has been declined. Hence the present writ petition has been filed.

8. Learned counsel for the respondent-State has on the other hand, placed reliance on the affidavit filed by the Deputy Commissioner, Fazilka wherein it has been stated as under:-

“XX XX XX

3. That it is submitted that at the relevant time, the Department of Panchayat and Rural Development, Punjab was looking after the work of issuance of Yellow Card to the eligible persons. The Block Development & Panchayat Officer, Khuian Sarwar has been directed to produce necessary record for filing response in this Hon'ble Court on the said



queries/aspects, it was replied by the Block Development & Panchayat Officer, Khuian Sarwar that the Yellow card in the name of the Petitioner has been issued vide No.233/FK dated 31.03.1993 from District Ferozepur and this Yellow Card renewed upto 30.09.2009 and thereafter the Yellow Card in the name of the Petitioner has not been renewed. It is also submitted that this district was carved out from District Ferozepur on 23.07.2011. The Block Development & Panchayat Officer, Khuian Sarwar also reported that relevant record of Yellow Card in the name of Petitioner is not traceable. Accordingly, the deponent has written a letter to the Director, Rural Development & Panchayat Department, S.A.S. Nagar for taking expeditious steps for ensuring the compliance of the order of this Hon'ble Court as regards to filing of response on the above queries/aspects on the date fixed in Hon'ble Court (Annexure R-1/T).

It is prayed that this Hon'ble Court may kindly order impleading the Director, Rural Development & Panchayat, S.A.S. Nagar being necessary party in the present matter.

4. That, it is submitted that as per the report of Revenue Field Staff the petitioner Varinder Kumar s/o. Mulakh Raj resident of Village Gidderanwali Tehsil Abohar was recorded to be the owner of 28 Kanal land on 20.01.2004 in Khewat No. 56, 280, 660, 771, Khatoni No. 1209 of Village Gidderanwali Tehsil Abohar District Fazilka. Now the petitioner Varinder Kumar is owner of 8 Kanal 9 Marlas land as per official record. The



which from all sources annual income of Rs. 4,800/- and besides this in the attached affidavit income from all sources was shown as Rs. 9,000/-. Whereas before being appointed as anganwadi worker under the Child Development Officer, Khulan Sarvar, the applicant had in her earlier application form shown an annual income of Rs. 8,000/- and in the year 2000-01 the applicant (Kavita Rani) was receiving yearly honorarium of Rs. 7200/-. Vide its letter No. 55 dated 01.03.2000, the application form of the applicant was forwarded by Child Development Project Officer, Khuian Sarvar to District Program Officer, Ferozepur. No information was provided by the applicant regarding the ownership of land.

Wife of the petitioner Smt. Kavita Rani submitted the application form of Kanya Jagriti Jyoti Sheme for her daughter Miss Shally Rani for the third time with the Child Development Officer, Khuian Sarvar which was noted vide diary No. 341 dated 19.09.2003. In this form annual income from all sources was shown as Rs. 10,000/- and with this it was reported by patwari of revenue department that there is land measuring 28 kanal 4 marle in the name of the husband Sh. Varinder Kumar (petitioner) of Smt. Kavita Rani. And in the attached affidavit it was certified by Smt. Kavita Rani that her and her family's annual income from all sources is less than Rs. 10,000/-, whereas during that time Smt. Kavita Rani was receiving Rs. 14,400/- as honorarium per year at the rate of Rs. 1,200/- per month and besides this there was separate income from the land measuring three and a half acre. In this manner, though the income was more but less income was shown vide affidavit by the wife of the petitioner, Smt. Kavita Rani.

Child Development Officer Khuian Sarvar had vide its letter No. 794 dated 27.01.2004 asked applicant Smt. Kavita Rani to submit certificate regarding land and property and vide its letter No. 876 dated 26.03.2004 written to Naib Tehsildar Abohar to report regarding land of Kumari Shally Rani



daughter of Smt. Kavita Rani wife of Sh. Varinder Kumar (petitioner). Besides this vide affidavit dated 11.11.2004, the petitioner (Sh. Varinder Kumar) had requested to get the inspection done by Naib Tehsildar Khuian Sarvar regarding income from land measuring 28 kanal and 3 marle situated at village Gidدرانwali. Upon which the Naib Tehsildar Khuian Sarvar depicted an annual income of Rs. 12,000/- as per theka of the land. In this manner, the annual income of the applicant and her family from all sources works out to be Rs. 26,400/- (Rs. 14,400 as honorarium + Rs. 12,000/- income from land), whereas for the benefits of the Kaniya Jagriti Jyoti Scheme the annual income should not be more than Rs. 20,000/- but the income of the petitioner is more than the limit.

The application form for the benefit of Kanya Jagriti Jyoti Sacheme was submitted by the wife of the petitioner Smt. Kavita Rani for the fourth time with the Child Development Officer, Khuian Sarvar which was sent by her to the District Program Officer, Ferozepur vide letter No. 193 dated 03.11.2011. In this form annual income from all sources was shown as Rs. 10,000 only, whereas in the year 2011-12 Rs. 43,855/- as honorarium was received by Smt. Kavita Rani as Anganwadi Worker and income from land was separate. In this manner, though the income was more but it was being shown as less from all sources by the petitioner. In this manner the wife of the petitioner by showing less income has tried to get the benefit of Kanya Jagriti Jyoti Scheme for her daughter Miss Shally Rani in a wrongful manner.

The petitioner has in para No. 5 of the writ petition written that after year 2002 his daughter had received scholarship for 1-2 years but after that she has received no scholarship. In this respect, for settling the case of the petitioner, the Secretary, Punjab Raj Samaj Bhalai Board had vide its letter No. 15 dated 05.04.2019 written to the petitioner to submit dasti, the membership Number/photocopy issued under Kanya Jagriti



Jyoti Scheme by the Life Insurance Corporation along with the details of payments received but the required information was not supplied by the petitioner. Life Insurance Corporation, Chandigarh has vide its letter dated 03.04.2019 informed that as per their records Kumari Shally Rani daughter of Smt. Kavita Rani wife of Sh. Varinder Kumar is not enrolled under Kaniya Jagriti Jyoti Scheme.

From the year 2011-12 no additional enrolment has been done under Kanya Jagriti Jyoti Scheme and for the benefits of Kanya Jagriti Jyoti scheme the limit of annual income has remained Rs. 20,000/- only. The wife of the petitioner has received Rs. 55,956/- as annual honorarium during the year 2012 and at present she is receiving Rs. 67,200/- as honorarium per year.

According to the above depicted situation Miss Shally Rani daughter of Smt. Kavita Rani wife of Sh. Varinder Kumar (petitioner), Village Giddranwali, Tehsil Abohar, District Fazilka are not eligible for the benefits under Kanya Jagriti Jyoti Scheme since their income is more than the stipulated income.”

10. By relying on the above extract of the impugned order, she submits that as the honorarium received by the wife of the petitioner was more than Rs.11,000/-, hence, the daughter of the petitioner is ineligible for the said benefits under the scheme and the order declining the claim of the petitioner has been rightly passed.

11. I have heard learned counsel for the parties and with their able assistance have perused the record.

12. In order to examine the entitlement of the petitioner, it is essential to advert to the conditions of eligibility as prescribed under clause 3 of the Scheme which reads thus:-



“3. Eligibility:

Girl child born on or after 26th January, 1996 will be eligible for the benefits of the scheme subject to the following conditions:

a) She belongs to parents who are holders of Yellow Cards issued by Govt. of Punjab or those whose annual income is below Rs.11,000/- (Rs. Eleven Thousand) or such other amount as may be decided by the Govt.of Punjab from time to time.

(emphasis applied)

b) The parents have adopted two children family norm irrespective of the sex of the child.

c) In case both the children are females, both would be eligible for the membership of this scheme.”

13. It is evident from the perusal of the above said clause that in order to be eligible for the benefits thereunder, the claimant had to satisfy one of the two conditions prescribed in clause 3 (a) of the scheme. It is not the case set up by the respondents that the petitioner is ineligible due to violation of clause 3 (b) and (c). The reasons cited by the respondents for denying the claim to the petitioner and holding his daughter ineligible for the benefit is on the basis of the land holding measuring 28 kanals 3 marlas by the petitioner herein and honorarium of his wife, who was engaged as an Anganwari worker in the year 1997. Much emphasis has been made that the annual income of the family was more than Rs.11,000/-.

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14. It has not been disputed that the scheme has been notified with respect to the beneficiary born on or after 26.01.1996. The daughter of the petitioner was born on 01.01.1997. The entitlement of the child to receive the benefits under the scheme has to be seen on the basis of when she was born. It is not disputed by the respondents that as on the date of Shelly Rani's birth, the petitioner was a yellow card holder, issued by the Government of Punjab which was valid in the year 2009. Both the requirement under the scheme, thus, could not have been pressed against the petitioner as one of the above twin mentioned conditions in clause 3(a) of the Kanya Jagriti Jyoti Scheme was required to be fulfilled.

15. The respondents, by the impugned order, have substituted the word "or" with "and" while considering the claim of the parties. Fulfilment of any one of the conditions under Clause 3 (a) of the scheme is sufficient to entitle a claimant to the benefits admissible under the said scheme.

16. Besides, the engagement of the wife of the petitioner as Anganwari worker was later in November, 1997 and not when the daughter of the petitioner was born in January, 1997. The subsequent events from the date of eligibility do not determine the eligibility under the scheme. It is not prescribed in the scheme that a claimant/beneficiary is required to fulfil the eligibility conditions till the time of maturity of the said scheme/release of the benefit on attaining of majority of the girl child. The subsequent documents that have been much pressed and relied by the Director, Department of Social Security of Woman and Child Development, Punjab are actually irrelevant for the admissible benefits under the scheme.

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17. I find that the order passed by the Director , Department of Social Security of Woman and Child Development, Punjab dated 23.04.2019 (Annexure P-10) , thus fails to take into consideration the prescribed eligibility conditions under the Scheme. The same is accordingly set aside.
18. The present petition is accordingly allowed. The respondent-State is directed to release the maturity value of the scheme (the value which would have been given on the sum of Rs.5,000/-, as deposited in the year 1997, and on attaining the age of 21 years) along with admissible benefits of the Scholarship to which the petitioner was entitled as per the said Scheme. The above said benefits be released within a period of two months from the date of receipt of a certified copy of this order, failing which the respondent-State shall be liable to pay interest at the rate of 6% per annum from the date of filing of the present petition till its actual disbursement.

(VINOD S. BHARDWAJ)

JUDGE

August 07, 2024

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