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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3394/2022**

AMIT GOYAL

.....Petitioner

Through: **Mr. RPS Bhatti, Advocate.**

versus

**GOVT. OF NCT OF DELHI THROUGH ITS SECRETARY
DEPARTMENT OF SOCIAL WELFARE**

.....Respondent

Through: **Mr. Rishikesh Kumar, ASC for
GNCTD.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
26.07.2024

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1. The present petition seeks to direct Government of NCT of Delhi/ Respondent to antedate the grant of the disability pension under the programme of “Financial Assistance to Persons with Special Needs”,¹ with effect from June, 2018, by allowing the Petitioner’s application for the said grant dated 08th May, 2018.

2. Brief facts leading to the filing of the present petition are as follows:

2.1. On 08th May, 2018, the Petitioner, a handicapped person with 50% disability, applied for Handicap Pension Scheme² announced by the Respondent under the Programme.

¹ “the Programme”

² “the Scheme”



2.2. The said application along with the requisite documents were submitted on the e-District portal of Respondent bearing application No. 26040000011232, however, the same was rejected by the concerned District Social Welfare Office (District East) on 17th July, 2020 with the remark *“previous query not rectified (5 years proof not verified, unattested docs and UID not properly uploaded) while it was given the opportunity to complete the necessary docs required for the Disability Pension, but did not succeed. Hence the case is rejected.”*

2.3. The Petitioner then reapplied for the said Scheme on 30th November, 2021 through application No. 26040000064505. This time, the application was successfully processed and the sanction was granted on 04th December, 2021.

3. Counsel for the Petitioner contends that Petitioner should be granted the pension from the date of the first/original application and not from the date when the second application was accepted, as the ground for rejection of the first application is unsustainable and the very same documents were accepted by the Respondent in the second instance. He further states that the Petitioner is a poor person and handicapped and fulfils all the requirements for grant of Pension under the Scheme but his application was rejected on account of a demand of bribery from the Respondent’s office. In these circumstances, he prays that the pension be granted from 08th May, 2018.

4. *Per contra*, counsel for Respondent submits that the first application was rejected as the requested documents were not provided by the Petitioner and, therefore, the question of payment of arrears from 2018 does not arise.

5. The Court has considered the above-noted contentions but does not



find any merit in the Petitioner's submissions. The Petitioner's first application of 2018 was rejected in 2020. If the Petitioner was aggrieved by such a rejection, he ought to have taken recourse to legal proceedings expeditiously.

6. It is also to be noted that Petitioner failed to file the necessary documents despite sufficient time and opportunity given by the Respondent, and, ultimately the Respondent were constrained to reject the Petitioner's first application after a lapse of more than two years i.e. on 17th July, 2020. This rejection was for reasons solely attributable to the Petitioner as he was unable to produce documents to verify his identity. Hence, there is no negligence or arbitrariness on the part of the Respondent in rejection of the first application, and, therefore, they cannot be held liable to pay the amounts under the Scheme retrospectively.

7. With the pension under the Scheme having been granted by the Respondent on 04th December, 2021, the request to antedate the said grant, in the opinion of the Court, cannot be allowed.

8. Dismissed.

SANJEEV NARULA, J

JULY 26, 2024

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