



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-13358-2026**Date of Decision: 01.05.2026**

KAVITA DEVI

...Petitioner

Vs.

STATE OF PUNJAB AND ANR.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.K. Girdhwal, Advocate for the petitioner

Mr. Akshit Pathania, Assistant Advocate General, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 19.12.2024 whereby her claim for compensation under Deen Dayal Upadhyaya Antyodaya Parivar Suraksha Yojna (for short 'Deen Dayal Yojna') has been rejected on the ground of delay.

2. As per petition, the petitioner's husband passed away on 25.09.2023. He was 39 years' old. His annual family income as per Parivar Pehchan Patra was less than Rs.1,00,000/-. She filed online application on 24.05.2024 seeking compensation under Deen Dayal Yojna. The respondent has rejected her claim on the ground that application was filed beyond 90 days.

3. Learned counsel for the petitioner submits that Deen Dayal Yojna was introduced on 24.05.2024. No limitation was prescribed in the original scheme, however, vide notification dated 09.11.2023 limitation

period of 90 days was inserted. The petitioner filed application little beyond 90 days from the date of amending notification.

4. *Per contra*, learned State counsel submits that petitioner was supposed to file application within 90 days from the date of incident. The period prescribed by notification dated 09.11.2023 is applicable retrospectively.

5. Heard the arguments and perused the record.

6. Concededly, the limitation period under Deen Dayal Yojna was inserted by notification dated 09.11.2023. The aforesaid Yojna is a beneficial legislation. It is a settled proposition of law that beneficial schemes are required to be interpreted liberally. The petitioner applied within 198 days from the date of amendment whereby limitation period was inserted. Normally, procedural amendments are considered retrospective, however, any amendment which affects vested right cannot be retrospective unless specifically provided in the amending notification. In the present case, in the notification it was not provided that amendment is retrospective. The Deen Dayal Yojna created right in favour of petitioner, thus, said right could not be infringed or taken away by treating amendment retrospective. Learned State Counsel during the course of hearing has confirmed that Chief Minister has approved to extend aforesaid 90 days period to six months. Matter is under consideration with Cabinet of Ministers.

7. The petitioner had applied within 198 days from the date of amending notification. There is certainly delay, however, deserves to be ignored in view of nature of the Scheme as well as days of delay. The petitioner was 37 years' old at the time of death of her husband who was

39 years' old at that point of time. She has lost her husband in young age, thus, benefit of beneficial Scheme should not be denied on procedural limitations. It is settled law that in case of beneficial Scheme, the Authority must ascertain whether claim falls within four corners of the Scheme and if answer is yes, the procedural lapse ought to be ignored. The limitation period prescribed in the Scheme is a procedural part which deserves to be ignored in the peculiar facts and circumstances of the case.

8. In the wake of above discussion and findings, this Court is of the considered opinion that the petition deserves to be allowed and accordingly allowed. The respondents are directed to release payment as per Deen Dayal Yojna within two months from today.

9. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

May 01, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No