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

+ W.P.(C) 9916/2018 & CM APPL. 38656/2018

JANHIT SAMAJIK NYAY & KALYAN SAMITI Petitioner

Through:

versus

LT GOVERNMENT OF DELHI & ANR Respondents

Through: Mr. Moksh Sharma, Advocate for
Mr. Jawahar Raja, ASC (C) for
GNCTD

Ms. Hetu Arora Sethi, ASC for
GNCTD with Mr. Siddarth Agarwal,
Advocates

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **28.11.2022**

1. The present writ petition has been filed by Janhit Samajik Nyay & Kalyan Samiti i.e. the Petitioner herein as a Public Interest Litigation (PIL) stating that the Petitioner is working for the cause of economically weaker sections, old age persons etc. who are unable to link and pursue their case because of old age, handicap etc. The Petitioner in the writ petition has prayed for the following reliefs:-

“a) Issue an appropriate writ/directions/orders thereby directing the respondents to give financial assistance for the old persons/direction to accept on-line form for widows/handicapped for transparency etc.;

b) Issue an appropriate writ/directions/orders thereby

directing the respondent No.1 to appoint an inquiry officer to disburse the old age pension/widow/physically handicapped persons by way of financial assistance through proper means;

c) Issue an appropriate writ/directions/orders thereby directing the respondent No. 2 to accept the form throughout the year;

d) Issue an appropriate writ/directions/orders thereby directing the respondent to make the documentation with the authorities concerned available by both modes, online also offline;

e) Issue an appropriate writ/directions/orders thereby directing the respondent to accept the applications from the one lakh applicant;

f) Issue an appropriate v writ/directions/orders thereby directing the respondent to provide appropriate reason to the pensioners for closing the scheme as well as discontinuance of enhanced pension without giving any formal notice;

g) Any other order or direction which this Hon'ble Court deems fit and proper may also passed in favour of the petitioner and against the respondents. ”

2. A detailed and exhaustive counter affidavit has been filed by Social Welfare Department, Govt. of NCT of Delhi and it has been brought to the notice of this Court that the Old Age Assistance Rules, 2009 are in existence in order to provide financial assistance to the destitute elderly people in Delhi and as per the eligibility criterion @ Rs.2,000/- per month in the age group of 60-69 years and Rs.2,500/- for elderly people in the age group of 70 years and above is being paid. It is stated that an additional amount of Rs.500/- per month is provided to the beneficiaries in the age group of 60-69

years belonging to the Scheduled Castes, Scheduled Tribes and Minority Communities, subject to the submission and verification of the required documents. The relevant paragraphs of the said affidavit read as under:-

“2. That the Department of Social Welfare, Govt. of NCT of Delhi is running a non-statutory financial assistance scheme namely 'The Old Age Assistance Rules, 2009' in order to provide financial assistance to the destitute elderly people of Delhi state as per the eligibility criterion at the rate of Rs,2000/- per month for the elderly people of the age group of 60 years to 69 years and at the rate of Rs.2,500/- for the elderly people in the age group of 70 years and above. An additional amount of Rs. 500/- per month is also provided to the beneficiaries in the age group of 60-69 years belonging to the SC/ST/Minority communities on provision of submission of required documentary evidence to this effect.

3. That the District Social Welfare Officer of the respective Districts of Delhi is the sanctioning authority for approval of the financial assistance under the said scheme. The necessary documents as required under the scheme are to be scrutinized to assess the eligibility of the applicant such as proof of residence in Delhi, Aadhar Card, age proof, bank account and so on in order to check the fulfillment of eligibility criterion as laid down under the scheme.

4. That some delay in approval of the financial assistance to eligible applicants is caused for various reasons including non-submission of necessary documents by the applicant, non-linking of Aadhar Card number with the bank account etc

5. That there is no delay in sanctioning of the old age assistance to the applicants in case all the formalities are completed by the applicant. The financial assistance becomes due from the month subsequent to

the month of receipt of the application.

6. That the Deptt. of Social Welfare has adopted a system of accepting application forms online on the e-district web portal in respect of the Old age pension scheme and financial assistance scheme for the differently abled persons for the sake of transparency and objectivity from the year 2017 onwards.

7. That the applicants of the financial assistance schemes are informed verbally about the deficiencies in their application forms on the spot. The message is also generated on the registered mobile number of the applicant about the status / deficiency in the application form when applied online. Besides, the applicants can also enquire about the status of approval or rejection of their application form through visiting the office of the concerned District Social Welfare Officer personally or through the mail. It is further submitted that applicants can also use the channel of public grievance redressal system like Public Grievance Commission, Listening Post, CPGRAM, RTI, visiting the senior officers at the head Quarters of the Department of Social welfare, in case their grievance is not redressed properly. The Deptt is taking initiatives in minimizing the grievances and resolving the grievances of applicants through online application system by way of regular monitoring of the status of applications.

8. That the applications for pension for differently abled are received online through out the year. But in case of old age pension, the scheme is governed by the overall cap limit for the total number beneficiary. Accordingly govt. has to allocate assembly constituency wise number of fresh applications to be received . Once the prescribed limit per assembly constituency for fresh applications for old age financial assistance is exhausted, further applications

for old age financial assistance scheme are not accepted due to quota cap.

9. Department has already accepted application 117018 (one lakh seventeen thousand eighteen) under old age pension upto 25.11.2018 and the number is increasing daily. Further, more than 18000 applications have been received under disabilities pension.”

3. The aforesaid statement made on affidavit makes it very clear that the Department of Social Welfare, GNCTD has adopted a system of accepting application forms online on the e-District Web Portal in respect of the scheme in question right from the year 2017. It has also been brought to the notice of this Court that the deficiencies in the application forms are informed to the applicants on the spot and all assistance is being provided to the beneficiaries and the government is taking all initiatives and minimizing the grievances and resolving the grievances of the persons applying under the Scheme by regularly monitoring the status of the applications.

4. In light of the aforesaid, no further orders are required to be passed in the present petition. The same stands disposed of along with the pending applications.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

NOVEMBER 28, 2022

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