



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 12356 of 2022

Lalsa Devi

.....Petitioner(s)

Versus

State of U.P. and 4 others

.....Respondent(s)

Counsel for Petitioner(s) : Om Prakash Chaurasia, Rajendra
Pratap Singh, Yakub Ansari
Counsel for Respondent(s) : C.S.C.

A.F.R.

Court No. - 1

**HON'BLE AJIT KUMAR, J.
HON'BLE GARIMA PRASHAD, J.**

(Per Garima Prashad, J.)

1. Heard Mr. Rajendra Pratap Singh, learned counsel for the petitioner and Mr. Pradeepta Kumar Shahi, learned Standing Counsel for the respondents.

2. The present writ petition has been preferred by the petitioner seeking the following relief:-

“A. to issue a writ order or direction in the nature of certiorari quashing the impugned order dated 16/12/2021 passed by respondent No.2 (Annexure-14 to this writ petition).

B. to issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to pay the claim of the petitioner under “Mukhya Mantri Kishan Evam Sarvhit Beema Yojana” on the death of the husband of the petitioner.”

3. The State Government formulated a welfare scheme titled “*Mukhyamantri Kisan Evam Sarvahit Bima Yojna*” to provide financial assistance to the families of farmers in cases of death or permanent disability arising from contingencies specified under the Scheme. The Scheme has been in force for several years and has been revised from time to time through Government Orders, including those dated 10.07.2014, 20.06.2017 and 04.03.2020, which introduced amendments to its implementation and procedural framework.

4. The object of the Scheme is to provide immediate financial assistance to the family of a farmer who suffers accidental death or permanent disability so that the family may overcome the sudden economic distress caused by the loss of the earning member.

5. In the present case, the claim filed by the petitioner has been rejected by the impugned order dated 16.12.2021 solely on the ground that the claim had been filed beyond the period of limitation. The core controversy which arises for consideration is whether the claim of the petitioner under the Scheme was filed within the permissible period and whether the respondents were justified in rejecting the claim on the ground of limitation.

6. Learned counsel for the petitioner submitted that the petitioner’s husband, Ram Pravesh Yadav, a marginal farmer, had died on 06.09.2016 after being attacked by a buffalo. On the same day, the Panchayatnama was conducted and the postmortem was performed on 07.09.2016. The death certificate was issued by the Village Development Officer on 03.12.2016.

7. Learned counsel further submitted that, after completing the necessary formalities, the petitioner had submitted her claim under the Scheme before the concerned Lekhpal, Mahendra Ram, well

within the prescribed period of four months. However, the said Lekhpal failed to forward the claim to the competent authorities.

8. Learned counsel further submitted that the said Lekhpal was transferred in April 2017 but failed to hand over the petitioner's claim documents to the newly posted Lekhpal. The petitioner came to know of this only later and, after making considerable efforts to retrieve the documents from the earlier Lekhpal, eventually handed them over to the newly posted Lekhpal on 27.01.2018.

9. Thereafter, the concerned Lekhpal submitted his report before the Revenue Inspector and the Tahsildar, who forwarded the matter to the Sub-Divisional Magistrate on 14.03.2018. The claim was thereafter sent to the Chief Revenue Officer on 15.03.2018 and was thereafter rejected in the meeting of the *Kisan Evam Sarvahit Bima Yojna Samiti* held on 22.04.2019 on the ground that it was barred by limitation.

10. Aggrieved thereby, the petitioner had approached this Court by filing Writ-C No. 26566 of 2020. The said writ petition was disposed of granting liberty to the petitioner to file a comprehensive representation and directing the authorities to decide the same within three weeks. Pursuant thereto, the petitioner submitted a fresh representation on 08.02.2021.

11. Despite the order of this Court, the claim remained undecided, compelling the petitioner to initiate contempt proceedings. By order dated 09.11.2021, this Court granted a further opportunity to the authorities to decide the claim within six weeks. In compliance thereof, the competent authority passed the impugned order dated 16.12.2021 rejecting the claim on the ground that it had been filed with a delay of more than 20 months, which was beyond the period

prescribed under the Scheme and therefore not liable to be condoned.

12. Learned counsel for the petitioner submitted that the respondent authorities had failed to consider their own record, which clearly showed that the petitioner had submitted the documents prior to April 2017 within the prescribed period of limitation. It was further pointed out that a show cause notice dated 08.03.2018 had been issued to the then Lekhpal, Mahendra Ram, for gross negligence in not forwarding the claim despite having received complete documents. The impugned order, however, remains silent on these material aspects and rejects the claim solely on the ground of delay, which was not attributable to the petitioner.

13. Per contra, learned Standing Counsel submitted that although the date of the petitioner's earlier application was not available on record, it was admitted that the petitioner had submitted certain documents to the earlier Lekhpal who had failed to process them. However, since the claim ultimately came to be processed only after 27.01.2018, i.e., more than 20 months after the death of the farmer on 06.09.2016, the competent authority was justified in treating the claim as beyond the prescribed period of limitation under the Scheme and rejecting the same accordingly.

14. This Court has considered the submissions of learned counsel for the parties and has perused the original record produced before it.

15. The original record clearly reveals that the petitioner had submitted the claim documents to the then Lekhpal, Mahendra Ram, well before April 2017. The delay in processing the claim occurred because the said official neither forwarded the claim to the

competent authorities nor handed over the documents to his successor upon his transfer.

16. A further perusal of the record shows that a joint report dated 20.07.2021 was submitted by the Sub-Divisional Magistrate and the Tehsildar to the District Magistrate. In the said report, it was recorded that an inquiry had been conducted and it was found that the then Lekhpal, Mahendra Ram, had failed to submit the petitioner's claim despite having received the necessary documents, for which a show cause notice dated 08.03.2018 had been issued to him. The report further records that the said Lekhpal did not submit any reply to the show cause notice, and consequently a recommendation was made for initiation of departmental proceedings against him.

17. Acting upon the said report, the District Magistrate directed the Chief Revenue Officer to take necessary action. Thereafter, by order dated 09.08.2021, departmental proceedings were initiated against the said Lekhpal and the Sub-Divisional Magistrate was appointed as the Inquiry Officer.

18. However, it is also borne out from the record that the said officer was ultimately let off with only a warning and continues to receive all pensionary benefits. Thus, while the concerned official suffered no serious consequence for his negligence, the petitioner has been deprived of the benefit of a welfare scheme which is intended to provide immediate financial assistance in times of distress. The petitioner, having suddenly lost the sole earning member of her family, has been left to struggle without the timely support which the Scheme is meant to provide.

19. A perusal of the Government Order dated 10.07.2014, which sets out the guidelines for implementation of the Scheme and the procedure for disposal of claims under Clause 11, reads as under:-

"11- Procedure for disposal and execution of claims:-

In case of physical disability or death of the tenure-holder farmers, the procedure for disposal of claims shall be as follows:- (1) For the successful and smooth implementation of the Farmers Accidental Insurance Scheme, an online software (web portal) is required, through which in case of unnatural death or physical disability, the farmer/policy holder or dependent can submit the online form and thereafter, submit the necessary documents related to the insurance scheme in the tehsil and get the receipt for the same. These documents should be sent to the concerned insurance company from the office of the Sub-District Magistrate. The farmer/policy holder or dependent shall submit the insurance claim on the web portal after completing all the prescribed forms within a maximum period of four months.

The farmer/policy holder or dependent shall have to submit the following evidence on the web portal while completing the claim form:-

A - Claim Form.

B - Certified copy of Khatauni.

C - Age proof (in order of priority):

(a) High School Certificate.

(b) Family Register.

(c) Ration Card.

(d) Voter ID Card/Voter List.

(e) Any other age proof.

D - Postmortem Report or Panchnama

E - Copy of FIR/GD / Police Panchnama /Certificate issued by SDM.

F - Death Certificate.

G - Succession Certificate (only in case of disputed succession)

If the insurance claim is submitted with a delay of more than 04 months but within one year, then the District Magistrate will have the

right to condone the delay. On receiving the insurance forms, the concerned Sub-District Magistrate will prepare the insurance forms and send them to the insurance company within a maximum of 3 weeks after completing other formalities. While sending the insurance forms to the insurance company by the insured/dependent, the bank name, account number and IFSC code of the person receiving the money should also be made available to the insurance company and the insurance company will send the cheque of the amount electronically directly to this account to the concerned District Magistrate who will ensure to make it available to the concerned tenure holder farmer or his legal heir in case of death within 15 days."

20. As per the provisions of the aforesaid Scheme applicable at the relevant time, the claim along with complete documents was required to be submitted within four months from the date of the incident. However, if the claim was submitted after four months but within a period of one year, the District Magistrate of the concerned district was empowered to condone the delay depending upon the circumstances of the case.

21. A perusal of the impugned order dated 16.12.2021 clearly reflects a lack of proper application of mind. The order proceeds on the premise that no application had been filed by the claimant. It further records that it was only on 15.01.2018 that a passbook was prepared under the Scheme, from which the authority inferred that no steps had been taken by the petitioner to claim the benefit prior to that date. However, the order is conspicuously silent on the material facts borne out from the record, namely the submission of the earlier application by the petitioner, the failure of the then Lekhpal to process or forward the claim, and the disciplinary proceedings initiated against him for such lapse. These facts were material for determining the issue of limitation and required objective consideration. The impugned order thus appears to have been passed in a mechanical and cursory manner, without proper examination of the record, treating the claimant as an adversary rather than as a beneficiary under a welfare scheme.

22. It is necessary to bear in mind the object with which the “*Mukhyamantri Kisan Evam Sarvahit Bima Yojna*” has been framed. The Scheme has been introduced by the State Government as a social welfare measure to provide financial security to the families of farmers who suffer accidental death or permanent disability. The underlying purpose of the Scheme is to ensure that the dependents of the deceased farmer receive immediate financial assistance so that they are able to overcome the sudden economic distress caused by the loss of the sole earning member of the family. The Scheme, therefore, forms part of the State’s welfare policy aimed at providing socio-economic protection to vulnerable sections of society, particularly the farming community.

23. While deciding the issue of compensation, in *Union of India Vs Prabhakaran Vijaya Kumar, (2008) 9 SCC 527*, Supreme Court observed that:

“11. ... Since the provision for compensation in the Railways Act is a beneficial piece of legislation, in our opinion, it should receive a liberal and wider interpretation and not a narrow and technical one. Hence, in our opinion the latter of the abovementioned two interpretations i.e. the one which advances the object of the statute and serves its purpose should be preferred...”

12. ... In other words, beneficial or welfare statutes should be given a liberal and not literal or strict interpretation...”

24. The above principle applies with greater force when administrative authorities implement subordinate or delegated legislation, such as Government schemes framed through executive orders. Administrative action in such matters must therefore adopt a proactive and pragmatic approach aimed at achieving socio-economic objectives, rather than frustrating the purpose of the

scheme by adopting rigid procedural technicalities. A hyper-technical interpretation of procedural requirements, particularly where the delay is attributable to administrative lapses of the authorities themselves, would frustrate the very purpose for which such schemes are framed.

25. The Supreme Court in *Olga Tellis v. Bombay Municipal Corporation* 1985 SCR Supl. (2) 51 emphasized that State action must be humane and responsive to the realities faced by vulnerable sections of society. Administrative authorities implementing welfare measures are expected to act with fairness, responsibility and sensitivity towards citizens in distress. Subordinate or delegated legislation, especially those framed for socio-economic welfare and upliftment, must be administered with care and in a manner that advances the purpose for which they have been enacted.

26. In the present case, the respondent authority had the entire record before it, including the material reflecting the lapse on the part of its own official. In such circumstances, the authority ought to have adopted a humane and pragmatic approach by acknowledging the fault of its officer and ensuring that the petitioner, a widow who had lost the sole breadwinner of her family, received the financial assistance contemplated under the Scheme. Instead, the petitioner was compelled to pursue her claim before multiple authorities and even to approach this Court repeatedly. The record reveals that the petitioner was constrained to approach this Court twice and even initiate contempt proceedings merely to secure a decision on her claim. Administrative action of this nature, marked by indifference to the plight of a beneficiary under a welfare scheme, cannot be sustained in a constitutional system committed to securing social justice.

27. It is indeed striking that while the respondent authorities seek to penalize the petitioner for an alleged delay in submission of the claim, the same authorities themselves took years to decide the matter. Such conduct on the part of the authorities, who allowed the matter to linger for years, renders their reliance on the ground of delay wholly untenable. To deny the petitioner the benefit of a welfare scheme in these circumstances would amount to a travesty of justice, particularly when the delay is clearly attributable to administrative lapses rather than any fault of the claimant. The petitioner cannot be made to suffer for the negligence or inaction of the authorities.

28. In view of the aforesaid facts and circumstances, this Court holds that the claim of the petitioner was within the permissible period and the impugned order rejecting the claim on the ground of limitation is unsustainable.

29. The impugned order dated 16.12.2021 passed by the respondent no. 2, District Magistrate, Ballia, rejecting the petitioner's claim under the "*Mukhyamantri Krishak Durghatna Kalyan Yojana*" is hereby quashed. The matter is remanded to the District Magistrate, Ballia, to reconsider the petitioner's claim afresh on merits in accordance with law and in the light of the observations made hereinabove. The said exercise shall be completed expeditiously, preferably within a period of eight weeks from the date of production of a certified copy of this order.

30. The writ petition is accordingly allowed. No order as to costs.

(Garima Prashad, J.)

(Ajit Kumar, J.)

March 12, 2026

Rakesh