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

+ W.P.(C) 11210/2015

POOJA & ORS

..... Petitioners

Through: Ms. Jayshree Satpute, Adv.

Versus

MINISTRY OF WOMEN AND CHILD DEVELOPMENT  
& ORS

..... Respondents

Through: Ms. Monika Arora, Adv. for R-1&3.  
Mr. Sanjoy Ghose and Mr.  
Vikramaditya, Advs. for R-  
2&4/GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**02.12.2015**

1. The five petitioners namely Ms. Pooja, Ms. Dropti, Ms. Anita, Ms. Sunderekha Devi and Ms. Rita Devi have filed this petition claiming directions to the Govt. of NCT of Delhi (GNCTD) and Union of India (UOI) and their various Departments to immediately disburse the entitlements / benefits to the petitioners under (i) Indira Gandhi Matritva Sahyog Yojana (IGMSY); (ii) Janani Suraksha Yojana (JSY); and, (iii) Integrated Child Development Scheme (ICDS).

2. It is the contention of the counsel for the petitioners that even though the eligibility, at least of the first three petitioners to the aforesaid benefits is not disputed but the benefits have been denied to the petitioners by the respondent GNCTD on the ground of the UOI having not released the funds to be disbursed by the GNCTD under the aforesaid schemes.

3. The counsel for the respondent GNCTD appearing on advance notice has fairly stated that from the documents filed by the petitioners it appears that there is no dispute about the eligibility of the first three petitioners to the benefits under the aforesaid schemes but he has not received instructions, as the copy of the petition was received yesterday only.

4. The counsel for the respondent UOI appearing on advance notice is also without instructions, again on the ground of the advance copy of the petition having been received yesterday only.

5. In these kinds of matters also, if this Court were to issue notice and call for the replies, the Court would be equally guilty as the respondents / administrative authorities, of delaying, perhaps fatally delaying the benefits due to the weaker sections of the society and for whom the said socially beneficial schemes have been formulated.

6. The Standing Counsels for GNCTD as well as the learned ASG for UOI attached to this Court, if of the opinion that instructions cannot be obtained within one day and require a longer time to obtain instructions, should make an application to Hon'ble the Chief Justice of this Court for listing of such matters, after three days or may be seven days of delivery of advance copy, so that effective instructions to enable disposal of such petition on the very first day, if possible, can be received. Else, the procedure formulated of supplying advance copy and "appearing on advance notice" falls to the ground.

7. The petitioners, in the petition, have also made certain prayers of a general nature and which can be granted only in a Public Interest Litigation (PIL) and not in this petition before this Bench in which relief, save on a cause of action, cannot be granted.

8. The counsel for the petitioners states that she is confining the reliefs in the present petition to the petitioners and / or with respect to the provision of general amenities to which the petitioners also are entitled.

9. The counsel for the respondent GNCTD has also drawn attention of this Court to the judgment of this Court in *Laxmi Mandal Vs. Deen Dayal*

*Harinagar Hospital* 172 (2010) DLT 9 in which this Court, nearly five years ago, lamented on the laxity in implementation of the various beneficial schemes, including some of the subject schemes and the confusion prevalent owing thereto, resulting in denial of benefits under the schemes to the needy. Though detailed directions are found to have been issued in the said judgment to obviate such situations but the same, as this petition makes evident, persists.

10. In the circumstances, this petition is disposed of with the following directions:

(I) The Director, Department of Women and Child Development, GNCTD is directed to, within one week, if has not already determined the eligibility of the five petitioners to the benefits claimed by them under the IGMSY and ICDS, determine the said eligibility and to within three days of today, in anticipation of the petitioners being found eligible, if does not have the funds to be disbursed by the UOI in this regard, send a requisition to UOI for the said funds and to within two weeks release to the eligible petitioners their benefit under the said scheme.

(II) The Director, Department of Women and Child Development, GNCTD is directed to, within one week, if has not already determined the eligibility of the petitioner No.4 (as the eligibility of the petitioners No.1 to 3 & 5 already stands determined) to the benefits claimed by her under the JSY scheme, to determine the said eligibility and to, within three days of today in anticipation of the petitioner No.4 being found eligible, if does not have the funds to be disbursed by the UOI in this regard to send a requisition to UOI for the said funds and to within two weeks release the benefits to the petitioners.

(III) The Secretary, Health & Family Welfare, Govt. of India is directed to, if has not already released the requisite funds to GNCTD for onward disbursement to the petitioners, to disburse the same within two weeks hereof.

11. As far as the grievance urged of absence of Anganwadi Centre in Bhim Nagar, Delhi is concerned, the counsel for the respondent GNCTD states that the feasibility under the scheme of setting up of a Anganwadi Centre in Bhim Nagar and / or neighbouring locality shall be determined

within one month by the respondent No.2 Director, Department of Women and Child Development and if the requirement for such an Anganwadi Centre is found in accordance with the ICDS, the said Anganwadi Centre will be set up within a period of three months thereafter. He further states that till then, the beneficiaries of Anganwadi Centre in the area of Bhim Nagar will be accommodated in the closest neighbouring Anganwadi Centre. It is further stated that upon the claimants to the benefits of the Anganwadi Centre at Bhim Nagar approaching any other neighbouring Anganwadi Centre along with a copy of this order, benefit thereof shall be extended to them.

12. The counsel for the petitioners has also raised a grievance with respect to the poor standards of Anganwadi Centre and has expressed an apprehension that the Anganwadi Centre which the petitioners may approach and / or which may be newly set up would again not comply with the said standards.

13. All that this Court can observe at this stage is that if any of the Anganwadi Centre is non-compliant with the prescribed standards and / or new Anganwadi Centre is also non-compliant, upon the petitioners or

anyone else on their behalf approaching the Director, Department of Women and Child Development, GNCTD, he / she is expected to immediately take remedial measures.

14. The officials named above are made personally responsible for compliance of this order.

15. A copy of this order be given *dasti* under the signatures of the Court Master to the counsels for the parties for onward transmission to the concerned official/s for compliance.

No costs.

**DECEMBER 02, 2015**  
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**RAJIV SAHAI ENDLAW, J.**