

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.17469 of 2005

Dated: 31st October, 2005

Between:

Balaji Educational Society, H/o.51/A, Janaki Enclave, Lingojiguda, Saroornagar Mandal, Hyderabad rep. by its

President Kum.G.Mariyamma, D/o.Adam,

R/o.51/A, Janaki Enclave, Lingojiguda, Saroornagar Mandal, Hyderabad.

..... PETITIONER

AND

1. The Government of A.P., rep. by its Principal Secretary,
Ministry of Women and Child Welfare, Disabled Welfare,
Secretariat, Hyderabad and another.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 17469 of 2005

ORDER:

This writ petition has been filed by Balaji Educational Society, Lingojiguda, represented by its President-Kum.G. Mariyamma with a prayer to issue any appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the Government of India, represented by its Secretary, Ministry of Social Justice and Empowerment, New Delhi/2nd respondent, in considering the proposals forwarded by the Government of Andhra Pradesh, represented by its Principal Secretary, Ministry of Women and Child Welfare, Disabled Welfare, Hyderabad/1st respondent for sanction of Grant-in-aid for the project of A.D.I.P. Scheme for the year 2003-'04 as illegal, arbitrary and violative of constitutional provisions.

2. The petitioner is a Society established and incorporated under the provisions of the Societies Registration Act, 1860, vide Registration No.410/1997.

Objectives of the petitioner-Society are; establishing Orphanages, home for aged, providing free boarding and education for children from broken homes etc. 2nd respondent sanctioned Rs.2,00,000/- under A.D.I.P. Scheme for the year 2002-'03. The petitioner-Society successfully distributed tricycles to the needy handicapped persons for the year 2002-'03. Petitioner-Society applied for grant-in-aid for the year 2003-'04. The District Collector, Mahaboobnagar District, deputed one senior officer to inspect the petitioner-Society and submit report. The District Collector, Mahaboobnagar, having satisfied with the report submitted by the Inspecting Officer, sent the project proposal to the 1st respondent. Accordingly, 1st respondent having satisfied with the report sent by the District Collector, Mahaboobnagar, forwarded the same to the 2nd respondent for release of grant-in-aid to a tune of Rs.19,50,000/- vide letter No.10582/DW.A2/2003, dated 19.11.2003 for the year 2003-'04. Since, there is no further action on the part of the 2nd respondent in considering the proposal sent by the 1st respondent, the petitioner-Society has chosen to approach this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

3. 2nd respondent filed counter affidavit. It is stated in the counter affidavit that the petitioner-Society was sanctioned Rs.2,00,000/- on the basis of the recommendation of the State Government during 2002-'03 vide its Ministry's sanction letter No.40341/2001-DD-I(NGO), dated 31.12.2002, as per provisions of A.D.I.P. Scheme. The petitioner submitted the audited accounts and other relevant documents i.e., utilization certificate, list of beneficiaries along with the proposal for 2003-'04 indicating that they distributed 50 tricycles to persons with disabilities during 2003-'04. Having examined the audited accounts for 2002-'03, it has been found that the petitioner-Society purchased spare parts for the tricycles and after assembling the spare parts worth Rs.2,92,150/- they supplied these to the persons with disabilities, which contravenes the provisions of the A.D.I.P. scheme. There is no provision for purchase of spare parts of tricycles. It is further stated that there is no provision of reimbursement of the expenses incurred in anticipation of receipt of grant-in-aid under the scheme. I deem it appropriate to refer para.4 of the counter affidavit and it is thus:

“It is submitted that the Scheme of Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances (ADIP Scheme) is being implemented by Government of India through the implementing agencies such as societies registered under the Societies Registration Act, 1860, registered charitable trust, District Rural Development Agencies, Indian Red Cross Societies and other autonomous bodies headed by District Collector/Chief Executive Officer/District Development Officer of the Zilla Parishad; National/Apex Institutes functioning under administrative control of the Ministry of Social Justice and Empowerment/Ministry of Health and Family Welfare; Artificial Limbs Manufacturing Corporation of India (ALIMCO); State Handicapped Development Corporations, Local Bodies-Zilla Parishads, Municipalities, District Autonomous Development Councils and Panchayats, Nehru Yuva Kendras can be released grant-in-aid under the scheme. The agencies are provided with funds for purchase, fabrication and distribution of aid and appliances in conformity with the guidelines of the scheme. There is no provision for reimbursement of expenses incurred in anticipation of receipt of grant-in-aid under the scheme.”

4. Heard learned counsel appearing for the petitioner, learned Government Pleader for Women and Child Welfare appearing for the 1st respondent and learned Standing Counsel for Central Government appearing for the 2nd respondent.
5. Learned counsel appearing for the petitioner submits that renewal application of the petitioner-Society for sanction of an amount of Rs.19,50,000/- has been recommended by the 1st respondent-State Government to the 2nd respondent and that the 2nd respondent has not passed any orders on the said application and therefore, the petitioner-Society is compelled to approach this Court seeking direction stated supra.
6. Learned Government Pleader for Women and Child Welfare appearing for the 1st respondent submits that several laches have been pointed out by the 2nd respondent in implementing the scheme during the year 2002-‘03 and therefore, the petitioner-Society is not entitled for the relief sought for.
7. A fact remains that the application filed by the petitioner-Society for grant-in-

aid to a tune of Rs19,50,000/- has been recommended by the State Government/1st respondent. The 2nd respondent has to consider the said proposal and communicate its decision. Since no decision has been communicated to the petitioner-Society so far, I deem it appropriate to dispose of the writ petition directing the 2nd respondent to consider the application filed by the petitioner-Society for grant-in-aid as recommended by the 1st respondent keeping in view the guidelines in force in that regard and pass appropriate orders as expeditiously as possible.

8. Accordingly, the writ petition is disposed of. No costs.

B.SESHASAYANA REDDY, J.

Dated: 31st October, 2005.

Note:

Issue C.C. within a week.

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