

Court on its own motion Vs. State of H.P. & others & connected matters.

CWPIL No. 30 of 2019 a/w
CWP Nos. 1077 of 2019, 1563
of 2020 & 1605 of 2022.

CWPIL No. 30 of 2019

11.01.2023 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, for the respondents/State.

CWP No. 1077 of 2019.

Mr. Aakash Thakur, Advocate vice Counsel for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No. 1/Union of India.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, for respondent Nos. 2 & 4/State.

Mr. Narender Sharma, Advocate, for respondent No. 3.

Ms. Anu Tuli Azta, Advocate, for respondent No. 5.

Mr. M.A. Safee, Advocate, for respondent No. 6.

CWP No. 1563 of 2020.

Mr. Arjun Lall, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No. 1/Union of India.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, for respondent Nos. 2 to 5/State.

CWP No. 1605 of 2022

Mr. M.A. Safee, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No. 1/Union of India.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, for respondent Nos. 2 & 3/State.

Learned Counsel for the petitioner in CWP No. 1605/2022 has invited our attention to the instructions dated 20.08.2022. To the said instructions, a letter dated 29.03.2022 has been annexed written by the Joint Secretary (SJ&E) to the Government of Himachal Pradesh, addressed to the Joint Secretary to the Government of India, Ministry of Social Justice & Empowerment.

2. In para Nos. 3 & 4 of the said instructions, it is stated as under:-

“3. That further the State Government in its State Level Multi Disciplinary Grant-in-aid Committee meeting held on 26.11.2021 has reconsidered and recommended the proposal of the petitioner NGO, Manav Sewa Trust, Bilaspur for release of grant-in-aid in favour of the NGO for financial year 2021-22. However, instead of considering the aforesaid proposal, the concerned Ministry, vide order dated 08.12.2021 rejected the proposal with the remarks “due to non-receipt of satisfactory inspection report from the State Government for the FY 2020-21.” It seems that the project was rejected by the Ministry without considering the satisfactory inspection reports of the State Government conducted on 06.04.2021 and 04.08.2021 by the District Welfare Officer, Bilaspur.

4. *That thereafter the matter was again taken up with the Ministry of Social Justice & Empowerment Govt. of India, New Delhi for approval/reconsideration and to release the Grant-in-aid in favour of the concerned NGO vide letter No. SJE-B-E(1)/2022 dated 29.03.2022 (copy enclosed as Annexure-R/1), however, Grant-in-aid has not been released to the concerned NGO by the Ministry of Social Justice & Empowerment Govt. of India till date. In this regard direction to the Ministry of Social Justice & Empowerment Govt. of India to approve the project and to release the Grant-in-aid to the concerned NGO is needed from the Hon'ble Court enabling the concerned NGO to run the said home properly."*

3. In view of the above, we direct respondent No. 1 to release the Grant-in-aid to the petitioner to enable it to run the Old Age Home, if there is no other impediment to release the said amount.

List after winter vacation.

(A.A. Sayed)
Chief Justice

January 11, 2023
(hemlata)

(Jyotsna Rewal Dua)
Judge