2025:AHC-LKO:86151-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 11970 of 2025

Sushila Devi

.....Petitioner(s)

Versus

State Of U.P. Thru. Commissioner And Secy. Board Of Revenue Lko. U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Naresh Singh, Rajjan Lal
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

HON'BLE SHEKHAR B. SARAF, J.
HON'BLE MANJIVE SHUKLA, J.

1. Heard learned counsel appearing on behalf of the parties.

2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner is aggrieved by the rejection of the petitioner's claim under the scheme of Mukhymantri Krishak Durghatna Kalyan Yojana by an order dated 15.03.2024 passed by the Respondent No. 2 on the ground that the petitioner had made his claim belatedly after a period of 180 days.

3. Learned counsel appearing on behalf of the petitioner relies upon the judgement passed by the Division Bench of this Court in ***Smt. Sarvesh Devi Vs. The State of U.P. and 3 others (Writ-C No.27527 of 2023)***.

4. In the said judgement, one of us (Prashant Kumar, J.) had heard the matter and had after considering the judgement in ***Gautam Yadav Vs. State of U.P. and 3 others*** reported in ***2020 (11) ADJ 321*** reiterated that the limitation provided under the said scheme is unreasonable and arbitrary and the period should be three years instead of 75 days. It is to be further noted that the scheme does not provide for any consequences of not making the application within the time framed prescribed, i.e., 75 days.

5. In our view, the above scheme being a beneficial legislation, the time period for making the claim has to be a reasonable one and if sufficient cause is shown by the petitioner for delay in filing of the said claim, the same is required to be considered in accordance with law.

6. Learned Additional Chief Standing Counsel appearing on behalf of the

respondents has placed before us the judgement of the Hon'ble Supreme Court in the ***National Insurance Com. Ltd. Vs. Gautam Yadav and others***; Special Leave to Appeal No.7647 of 2021, wherein the Supreme Court has admitted the Special Leave to Appeal and passed the following orders:-

> *"In compliance of this Court's order dated 02.07.2021, the petitioner has paid the sum of Rs. 5 lakhs to the respondent no.1 and has filed proof of making such payment.*
>
> *Issue notice, returnable in six weeks.*
>
> *Though notice is being sent to respondent no.1, he need not to appear, as the payment has already been made to him.*
>
> *In the meanwhile, the direction in the impugned order, that all claims filed within a period of three years from the date of rejection should be treated as within limitation, shall remain stayed."*

7. It may be noted that the Hon'ble Supreme Court has not stayed the entire order passed by the High Court in **Gautam Yadav (Supra)**, but only stayed the direction that claims filed within a period of three years from the date of the rejection should be treated as within limitation.

8. As the Hon'ble Supreme Court in **Gautam Yadav (supra**) has stayed the direction with regard to the extension of limitation period to three years, one will have to examine each case on the facts and circumstances of the same and determine whether sufficient cause was there for delay in filing of the said claim.

9. In our view, the respondent has not considered the contentions of the petitioner with regard to the reasons for delay in filing of the said application and simpliciter passed the order on the basis that the claim was filed belatedly.

10. Accordingly, the impugned order is quashed and set aside with a direction upon the respondent authority to grant an opportunity of hearing to the petitioner and thereafter pass a reasoned order within a period of eight weeks from date.

11. With the above directions, the writ petition is **disposed of**.

December 19, 2025
Lokesh Kumar

(Manjive Shukla,J.) (Shekhar B. Saraf,J.)

Digitally signed by :-
LOKESH KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench