



2024/KER/11497  
"CR"

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 14<sup>TH</sup> DAY OF FEBRUARY 2024 / 25TH MAGHA, 1945

WP(C) NO. 16642 OF 2023

PETITIONER:

ARIFA P.K.,

BY ADV M.R.JAYAPRASAD

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- \* 2 THASILDAR, KANAYANOR TALUK OFFICE, KOCHI - 682011.  
(THE ADDRESS OF RESPONDENT NO.2 OCCURING IN THE CAUSE TITLE OF WP(C) NO.16642/2023 IS CORRECTED AS "TAHSILDAR, KOCHI TALUK, KOCHI - 682001" AS PER ORDER DATED 05.07.2023 IN I.A.-1/2023 IN WP(C) NO.16642/2023.
- \* 3 UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF RURAL DEVELOPMENT, KRISIHI BHAVAN, DR RAJENDRA PRASAD ROAD, NEW DELHI - 110001  
(IS IMPEADED AS ADDL.R3 AS PER ORDER DATED 24.07.2023 IN I.A.NO.2/2023 IN WP(C)NO.16642/2023).
- \* 4 PRINCIPAL SECRETARY  
SOCIAL JUSTICE DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM - 695001  
(IS SUO MOTU IMPEADED AS ADDL.R4 AS PER ORDER DATED 19.10.2023 IN WP(C)NO.16642/2023).

SRI.GIREESH KUMAR - CGC



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SRI.SUNIL KUMAR KURIAKOSE - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 14.02.2024, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



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JUDGMENT

The petitioner, who is a lady nearing 60 years in age, has filed this writ petition, with a singular plea that the second respondent be directed to disburse to her the eligible amounts under the National Family Benefit Scheme, within a time frame to be fixed by this Court; with a corollary plea to the first respondent - State of Kerala, to allot the required amount for such purpose, without any delay.

2. I must record upfront that this Court had heard this matter on 03.01.2024, on which day, noticing the afore limited plea of the petitioner, the following order had been issued:

“The learned Government Pleader says that even though a letter dated 02.11.2023 – produced along with his Memo dated 06.12.2023 – has been issued to the Assistant Commissioner, National Social Assistance Programme Division, to resolve the technical issue in the NSAP – PPS web portal, no action has yet been taken.

2. Sri.Gireesh Kumar – learned Central Government Counsel appearing for the Assistant Commissioner, is therefore, directed to obtain specific instructions from the said Authority, as to why the technical issue as referred above has not been resolved – if it has not already been done.

This shall be done by the next posting date.

List on 12.01.2024.”

3. On the next posting date, namely 29.01.2024, the



submissions of the learned Central Government Counsel and the learned Government Pleader were recorded in another order of the said day, which is extracted below for ease of reading:

“Learned Central Government Counsel affirms that he has given a copy of the statement filed by him to the learned Government Pleader – Sri.Sunil Kumar Kuriakose.

Learned Government Pleader seeks a week's time to obtain instructions.

However, Sri.Sunil Kumar Kuriakose – learned Government Pleader, added that the portal through which the funds can be accessed by the Government of Kerala is not now functioning. The learned Central Government Counsel is directed to obtain instructions in this regard and revert to this Court by the next posting date.

It is rather unfortunate that the Governments blame each other when the petitioner says that he is struggling even for a daily living. It is not the province of Governments to enter into blame game, but to ensure that citizens are taken care of and their entitlements honoured without delay. Somewhere along the line; unfortunately, this seems to have been lost.

I, therefore, direct both sides to revert to this Court keeping this imperative in mind, on the next posting date.

List on 09.02.2024.”

4. Unfortunately, today also, the learned Government Pleader says that the portal in question has not been opened by the Central Government.



5. I am afraid that this Court cannot sit in the judgment over the actions of the two Governments, particularly when they are not the petitioners before this Court.

6. As I have already said in the afore extracted order dated 29.1.2024, Governments cannot enter into blame game with each other because, it is their fundamental duty to ensure that citizens are granted their benefits without any delay.

7. Pertinently, the learned Government Pleader, to a pointed question from this Court, conceded that the sanction for disbursement of the eligible amounts to the petitioner has already been issued; and that, this is only because they were unable to access the portal, that it has not been disbursed. He also conceded that the Government of India reimburses the amounts expended by the Government of Kerala towards the welfare schemes in question; and I record the submissions of Sri.Gireesh Kumar - learned Central Government Counsel, that an amount of Rs.602 crores has been already favoured to the Government of Kerala under it, for disbursement.

8. Therefore, as matters now stand, this Court is not aware why the petitioner's claims have not been honoured,



except for an excuse being offered by the Government of Kerala that the online portal operated by the Government of India has not been made accessible.

9. As said above, this is not an excuse that this Court can countenance because, the petitioner is stated to be in agony, awaiting her eligible benefits for a long time.

10. The Government of Kerala, therefore, can always invoke their remedies against the Government of India appropriately and seek reimbursement of the amounts as are eligible to them; but it cannot delay the payment of benefits to its citizens *ad infinitum* for this reason.

In the afore perspective, I allow this writ petition and direct the respondents to ensure that the eligible amounts, along with its arrears, are paid to the petitioner not later than one month from the date of receipt of a copy of this judgment. I am persuaded to issue this direction because, it is conceded unequivocally that the sanction for the said payment has already been authorised.

Needless to say, the right of the Government of Kerala to



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seek eligible reimbursement from the Government of India are left open; for which purpose, all their contentions are also left undecided.

**Sd/- DEVAN RAMACHANDRAN**  
**JUDGE**

stu



**APPENDIX OF WP (C) 16642/2023**

PETITIONER EXHIBITS

- Exhibit p1 TRUE COPY OF THE APPLICATION SUBMITTED TO THE VILLAGE OFFICER, PALLURUTHY RAMESWARAM VILLAGE DATED 18.11.2013
- Exhibit p2 TRUE COPY OF THE APPLICATION DATED 27.05.2022 TO THE THASILDAR KOCHI
- Exhibit p3 TRUE COPY OF THE LETTER NO. M3- 6104/ 22/ RTI DATED 22. 06. 2022
- Exhibit p4 TRUE COPY OF THE REPLY RECEIVED BY THE PETITIONER DATED 30.06.2022
- Exhibit P5 TRUE COPY OF COMMUNICATION OF 2ND RESPONDENT