

(2021) 10 J&K CK 0040

In the Jammu And Kashmir High Court

Case No : Public Interest Litigation No. 12 Of 2013

Viklang Chhatra Trust

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 05-10-2021

Acts Referred:

Citation : (2021) 10 J&K CK 0040

Hon'ble Judges : Pankaj Mithal, CJ;Rajnish Oswal, J

Bench : Division Bench

Advocate : Aseem Sawhney

Final Decision : Disposed Of

Judgement

1. A letter was received from Viklang Chhatra Trust, Old Care Society, Manda, Akhnoor appended with a newspaper cutting dated 26.02.2013 as appearing in the Daily Excelsior highlighting the problems of the inmates of "Vridh Ashram" i.e. Home for Aged and Infirm at Amphalla, Jammu.
2. The aforesaid newspaper cutting is an article by Prof. V S Verma wherein he has requested the High Court to extend its compassionate hand to ensure right to live with dignity to the inmates of the Vridh Ashram.
3. On the matter being cleared from various stages, the Chief Justice directed the matter to be listed as PIL wherein (i) State of J&K through Chief Secretary; (ii) Commissioner/Secretary, Social Welfare Department; (iii) Commissioner/Secretary, Health and Medical Education Department; and (iv) Director Health Services, Jammu were directed to be arrayed as the respondents.
4. The aforesaid article reveals that the said Vridh Ashram was established at Amphalla Jammu in 1964 by late Ram Nath Prabhakar with the motto of "Nar Seva is Narayan Seva". It was registered as a society on 20.02.1965. Subsequently, in the year 1986 it was adopted by the Social Welfare Department of J&K. It initially had a one room accommodation but has grown into two full-

fledged building blocks which can accommodate 90 persons. The Social Welfare Department is bearing the expenses of the monthly salary of its manager, clerk, cooks, peons, chowkidars but is providing a very meagre diet allowance to the inmates. It is for this reason a request to extend the helping hand to the inmates of the Vridh Ashram, especially in connection with their diet allowance, medical facility, hygiene and clothing was made to the High Court in public interest. The High Court had been monitoring the matter since 2013 and on its direction, various status reports and compliance reports as many as 16 in numbers have been filed from time to time by the respondents.

5. A perusal of the record reveals that in connection with the aged and infirm persons several schemes at the national level have been initiated such as:

(i) Indira Gandhi National Old Age Pension Scheme;

(ii) Indira Gandhi National Widow Pension Scheme;

(iii) Indira Gandhi National Disability Pension Scheme, which are all part of National Social Assistance Programme (NSAP).

6. The reports further reveal that sufficient number of composite home, rehabilitation home, orphanage, day care centres, Bal Ashrams, Nari Niketan, child care centres, observation homes, special homes, shelter homes have been established in various parts of the Union Territory.

7. This apart, many other schemes for the welfare of infirm, old, disabled and destitute persons have been initiated both at the national level and the state level. It is evident that the aforesaid scheme covers all the needs of the inmates of the Vridh Ashram and that there may not be any need to monitor the progress of the conditions of the inmates of the said Vridh Ashram. It is expected that in case of any necessity, any public spirited person or the Managing Committee of the Vridh Ashram or any inmate thereof may always come forward and raise grievance in case the conditions of the inmates are neglected.

8. Sh. Aseem Sawhney, learned AAG has supported the closure of the PIL at this stage as it has outlived its purpose and nothing much could be achieved in last several years.

9. In the fact situation of the case, as the condition of the inmates or similarly located persons in the Union Territory can be taken care of by covering them under the umbrella of the above schemes and by providing them shelter in one of the many homes set up in various parts, we do not deem it necessary to continue with this public interest litigation any further and accordingly direct that it may be consigned to the record with liberty as mentioned above to raise any grievance in connection thereto by filing an application for its revival or by means of a fresh litigation.

10. The writ petition is, accordingly, disposed of.