

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11741 of 1995

Date of decision: 12.01.2015

Satwantjit Kaur and another

... Petitioners

versus

Union of India and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajesh Sehgal, Advocate, for the petitioners.

Ms. Vandana Malhotra, Addl. Advocate General, Punjab.

K.Kannan, J.

The petitioners restricts the claims only against the State Government in terms of the scale of relief announced by the state for persons adversely affected as a result of terrorist violence through the memo issued by the Government of Punjab, Department of Relief and Resettlement, B & R Branch, dated 26.05.1992. The plea by the petitioner No.1 is that her husband who was a Central Government employee in Postal Department died as a victim of terrorist violence on 26.11.1990. She had been paid a compensation by the Central Government as compensation payable through a Scheme issued on 24.11.1992 (Ex.R1), but, the compensation that was payable by the State Government, for a person who was a resident of Punjab, had not been paid. The petitioner would refer to Annexure-P3 dated 26.05.1992 that records the fact that an ex-gratia payment which was being paid at ₹ 50,000/- for the family of a terrorist victim was to be enhanced to ₹1,00,000/- from ₹ 50,000/-, from the date when the notification was issued. The State's contention was that the petitioner's husband was a Central Government employee and there was no scheme of the State for paying the compensation to any civilian who was a Central

Government employee.

Learned counsel for the State would again rely on Annexure-P3 itself to state that the compensation payable to a civilian should be restricted to only person who was State Government employee or otherwise unemployed. I will find no such restriction as attached to the notification issued on 26.05.1992. If it all, the enhancement of compensation from ₹ 50,000/- to ₹ 1,00,000/- as contemplated could arise in respect of cases coming about for the first time after 26.05.1992 but this proceeding itself is a record of an existing scheme of compensation for ex-gratia grant for ₹ 50,000/- to a widow who is listed fallen first in the order of priority. The notification itself reads that it will be debited to the Budget Head “09-Relief to person affected by riots” among other different heads. This has not restricted the compensation to a person other than a Central Government employee.

The denial of the ex-gratia payment by the State to ₹50,000/- was not justified. I direct the payment to be made with 12% interest from the date when the date of filing the writ petition till the date of payment. The payment shall be made, within a period of four weeks, from the date of receipt of copy of the order. The petitioner is also entitled to costs of ₹ 5,000/- against the State.

Writ petition is disposed of with above observations.

12.01.2015
Kumud

(K.KANNAN)
JUDGE