

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.2284 OF 2008

ORDER:

 Heard the learned counsel for the petitioner. No representation on behalf of the respondents.

2. The present Writ Petition came to be filed seeking issuance of a writ of *mandamus* directing respondents 1 and 2 to pursue the Compensation Case No.RIY/CW/436/03/82 of the husband of the petitioner by name late Sri Syed Ghouse Mohiuddin, who died on 04.01.1982 in a traffic accident at Jeddah in the Kingdom of Saudi Arabia.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner herein is wife of late Syed Ghouse Mohiuddin, who was working with M/s. Hamad AL. Hidari Est. (Trading and Contracting Enterprises) Post Box No.11784, Jeddah, since 1980. While he was in service, he died in a traffic accident on 04.01.1982 at Jeddah. The dead body was buried at Mecca by the friends of the deceased on 12.01.1982 as they could not afford to float the dead body to his native place at Kadapa. As such, neither the petitioner nor her son could see the dead body. Four years after the death, the employer of deceased sent Rs.3,224.30 ps through the Collector and District Magistrate towards dues of wages from the firm. It is said that the death compensation is not finalized till date. Correspondence between Consulate General and Indian Embassy from 29.12.2001 to 27.02.2005 is filed as Exs.P.8 to P.14.

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4. Apart from this, learned counsel for the petitioner submitted across the Bar, the communications, which were received during the period 2013-15 with regard to pendency of the compensation case.

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5. No counter is filed on behalf of the respondents till date.

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6. A perusal of the communications between the authorities would show that number of letters were written by the counsel at Jeddah requesting the Indian Embassy in Raiyadh to pursue the death compensation case in respect of Mr.Syed Ghouse Mohiuddin. A letter, dated 31.03.2013 received by the Embassy of India, Riyadh refers to a complaint made by the Embassy of India to the Ministry of Foreign Affairs, Kingdom of Saudi Arabia with regard to the compensation case of late Syed Ghouse Mohiuddin being not taken. The letter further shows that the Embassy has requested the Ministry of Riyadh for fixation of date of hearing of compensation case in respect of late Syed Ghouse Mohiuddin', but till date no reply has been received by the Ministry. The letter also shows the request made by the Embassy to take steps to fix the date of hearing of the case of late Syed Ghouse Mohiuddin.

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7. The latest communication dated 01.02.2015 addressed to the writ petitioner herein, by the Embassy of India shows that the Esteem Ministry of Justice forwarded the case of late Syed Ghouse Mohiuddin by the Ministry of Justice to the Baitulmal Riyadh vide their file reference No.3158671 dated 15.08.1431H. It further states that in spite of their several reminders, requesting to fix a court hearing date, no response has been received by the

Embassy. Hence, the Ministry was requested to direct the concerned authorities to fix a hearing date in respect of late Mr.Syed Ghouse Mohiyuddin and intimate the same at the earliest.

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8. From the above letter, it is clear that the Embassy of India has been persuading the authorities for fixing the date of hearing of the matter. Hence, it cannot be said that the authorities are not showing interest in the matter. But, however, the learned counsel for the petitioner submits that the authorities are not pursuing the matter in the manner in which they should have done. It is urged that though 25 years have elapsed, no compensation is paid and the petitioner is thrown onto the streets.

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9. Having regard to the circumstances referred to above, the 1st respondent is advised to direct the concerned authorities to expedite the process and see that hearing of the case is done at the earliest.

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10. Accordingly, the Writ Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:01.02.2016
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