

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22949 of 2011
Date of decision: 19.10.2016

Uma Kapoor and others

... Petitioners

Vs.

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Mukand Gupta, Advocate
for the petitioners.

Mr. B.M. Vinayak, DAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

CM No.13189-CWP of 2016

Applicant seeks permission to place on record affidavit of
Additional Chief Secretary-cum-Financial Commissioner, Revenue, Punjab.

Application is allowed, as prayed for.

CM stands disposed of.

CWP No.22949 of 2011

In compliance of the order dated 12.08.2016 passed by this Court,
affidavit dated 07.10.2016 of Additional Chief Secretary-cum-Financial
Commissioner, Revenue, Punjab has been filed along with Annexure R-1,
which is the order dated 28.04.2014 passed by the Hon'ble Supreme Court.

It has gone undisputed before this Court that in compliance of the
abovesaid order passed by the Hon'ble Supreme Court in Civil Appeal No.6079
of 2010 (Annexure R-1), State of Punjab did not appoint any competent
authority to deal with and decide such type of cases, wherein genuine claims
were pending consideration at the time of passing of Displaced Persons

Claims and other Laws Repeal Act, 2005. The relevant part of the abovesaid order passed by the Hon'ble Supreme Court, reads as under: -

“It is declared that the provisions of Section 6 of the General Clauses Act are applicable to the Displaced Persons Claims and other Laws Repeal Act, 2005 (for short “Repeal Act, 2005”) and that the respondent Nos.6 and 8 herein shall continue to decide the cases and proceedings pending on the date of the said Repeal Act, 2005 and implement the decisions in the said cases under the unrepealed. Displaced Persons Compensation & Rehabilitation Act, 1954 and other related Acts.”

In view of the above, present writ petition is disposed of, with a direction to the Chief Secretary of the State of Punjab to appoint the competent authority, in consultation with Union of India, if it is so required, at an early date and in any case within a period of three months from the date of receipt of certified copy of this order.

Once the competent authority is appointed, it shall proceed further with the claim of the petitioners from that very stage, when the order dated 31.03.2008 (Annexure P-16) was passed and shall make an endeavour to decide the matter at an early date and in any case within a period of six months, by passing an appropriate order, strictly in accordance with law.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

19.10.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No