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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2546/2015**

VIJAY KUMAR SINGH

..... Petitioner

Through Mr Praveen Singhai, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Bhagwan Swarup Shukla, Advocate
CGSC with Mr Swaraj Kumar, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.11.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “(i) Direct the respondents to provide the compensation amount, insurance amount and other service benefits in lieu of the death of late son of petitioner along with three months of unpaid salary.
- (ii) Direct the respondent to provide the compensation to the petitioner in terms of Workmen Compensation Act.
- (iii) Direct the respondents No.1 and 2 to formulate the comprehensive policy in order to swiftly transporting the dead body of the deceased migrant workers and the cost of transporting the dead body and also compensation to the legal heirs of the deceased migrant workers in terms of the international Convention on the Protection of the Rights of All Migrant Workers and Members

of Their Families and its strict compliance and migrant workers also may be brought into the ambit of the Workmen Compensation Act.”

2. The son of the petitioner, Sh Krishan Mohan Singh (since deceased), had migrated to Saudi Arabia for employment and was subsequently employed with M/s AL Balagha Holding at Saudi Arabia from the year 2010. He met with a fatal accident on 30.07.2014 at about 11.00 a.m. It is in the aforesaid context that the petitioner has filed the present petition and has sought for the aforesaid reliefs.

3. Respondent no.1 has filed a counter affidavit which indicates that in terms of the law of the Kingdom of Saudi Arabia death compensation cases are settled in accordance with the provisions of public law and the person responsible for causing accident/death is required to pay compensation to legal heirs of the deceased as per his percentage of responsibility. In the present case, the Saudi Authorities have informed the Embassy of India that 100% of the responsibility for the accidental death of petitioners’ son has been fixed on one Mr Kalyani Manju and he is required to pay the death compensation.

4. Insofar as the emoluments are concerned, an amount of SR 6,289 was received by the Indian Embassy and the same have been forwarded to the District Magistrate, Siwan, Bihar for distribution to the legal heirs of the deceased.

5. The learned counsel appearing for the respondents also referred to a letter dated 06.03.2016 forwarded by the Embassy of India, Riyadh to the

petitioner informing him as to the procedure for prosecuting his case for recovery of death compensation.

6. Since the petitioner was not employed by respondent no.1 or through respondent no.1, the respondents cannot be asked to pay any compensation under the Workmen Compensation Act and the writ of mandamus as prayed for in this regard cannot be granted.

7. However, respondent no.1 shall take expeditious steps so that the sum of SR 6,28 – which this Court is informed that the said amount works out to be ₹1,02,594/- in Indian Currency - is distributed to the legal heirs of the deceased as expeditiously as possible. The petitioner is at liberty to approach the District Magistrate, Siwan, Bihar for the said purpose. The petitioner shall also satisfy the District Magistrate as to who are the legal heirs of the deceased for distribution of the amount in question.

8. The petition is disposed of with the aforesaid direction.

VIBHU BAKHRU, J

NOVEMBER 20, 2017

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