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

+ **W.P.(C) 7286/2016**

HARKIRAT SINGH Petitioner
Through: Mr I.C. Sharma, Advocate.

versus

UNION OF INDIA & ANR Respondents
Through Mr Ajay Digpaul, CGSC with
Ms Madhuri Dhingra, Advocate for
UOI.
Ms Swaty Singh Malik, Mr Himanshu
Latwal, Advocates with
Mr Davendar Yadav, LDC R2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **27.07.2017**

1. The petitioner has filed the present petition, *inter alia*, praying for an order directing the respondents to release the enhanced compensation of ₹5,00,000/- in his favour in terms of the policy dated 16.12.2014 announced by the Central Government for granting relief to the kin of the deceased persons who died in 1984 in Anti-Sikh Riots.
2. It is the case of the petitioner that his father had succumbed to injuries sustained in the 1984 riots. The petitioner states that he was also granted compensation of a sum of ₹3,30,000/- initially. However, the petitioner did not apply for further compensation in terms of the 'Rehabilitation Package,

2006' which was notified on 16.01.2006 as the petitioner was not in Delhi at the material time and was not aware of the same.

3. The grievance of the petitioner is that although the Central Government by its letter dated 16.12.2014 has announced enhanced compensation for next of kin to the persons who died in 1984 Anti-Sikh Riots, the same has been denied to the petitioner.

4. Learned counsel appearing for respondent no.2 (GNCTD) submits that in terms of the policy dated 16.12.2014, only the persons who had availed of the rehabilitation package in 2006 are entitled to enhanced compensation. She has drawn the attention to a letter dated 16.05.2017, whereby the issue was clarified by the Ministry of Home Affairs.

5. A perusal of the letter dated 16.12.2014, indicates that the Central Government had announced a rehabilitation package (Rehabilitation Package, 2006) with a total financial outlay of ₹714.76 crores, out of which a sum of ₹534.20 crores had been reimbursed by the Central Government to the concerned State Governments after receiving Utilization Certificates. Consequently, a sum of ₹180.56 crores was available for disbursal under the said Rehabilitation Package and, therefore, the Central Government had directed additional compensation to be paid to the next of kin of persons who had died in 1984 Anti-Sikh Riots. The petitioner admittedly had not availed of the 2006 package. However, it appears from the averments that there is no dispute that the petitioner's father was a victim of the Anti-Sikh Riots in 1984 as the petitioner was also awarded compensation disbursed prior to 2006. The effect of excluding the petitioner from the enhanced

package would mean that even though the petitioner was entitled to compensation under the 2006 package, he would also be denied benefit of the compensation now awarded, on account of his failure to avail of compensation in 2006.

6. The communication dated 16.05.2017 issued by respondent no.1 clarifies that the 2006 scheme is closed and only enhanced compensation of ₹5,00,000/-, sanctioned vide letter dated 16.12.2014 is open. Thus, plainly, the petitioner would not be entitled to the compensation as payable under the 2006 package, which was in addition to the compensation disbursed prior to 2006; the petitioner is also not claiming any such compensation.

7. In its counter affidavit, respondent no.1 has taken the following stand:-

"4. That as per the Rehabilitation Policy, the claim of the petitioner is to be examined and decided by the State Government or its agencies as per the provisions of Rehabilitation Package dated 16.1.2016. The allegation made by the petitioner is against R-2"

8. In the aforesaid circumstances, respondent no.2 is directed to reconsider the petitioner's case for awarding compensation bearing in mind that the petitioner is not seeking the initial compensation as awarded under the 2006 Package and has limited his relief only to the enhanced compensation as awarded in terms of the policy dated 16.12.2014. In the event, the petitioner's claim is substantiated (as is asserted by the petitioner in the petition) and it is ascertained that the petitioner is eligible for compensation in terms of the policy dated 16.12.2014, the said respondent

shall do the needful for disbursal of the enhanced compensation and claim reimbursement for such compensation from the Central Government.

9. The petition is disposed of.

VIBHU BAKHRU, J

JULY 27, 2017
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