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

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Date of decision : 12th December, 2017

+ W.P.(C) 10536/2016, CM Nos.41378/2016 & 24702/2017

AVADH KAUSHIK Petitioner

Through : Petitioner in person.

versus

UNION OF INDIA & ORS. Respondents

Through : Mr. Anil Soni, CGSC with Mr. Nivesh Sharma, Adv. for R-1&2.

Mr. Sanjoy Ghose, ASC for GNCTD with Mr. Rhishabh Jetley and Ms. Urvi Mohan, Advs. for GNCTD.

+ W.P.(C) 10540/2016

PURAN CHAND ARYA Petitioner

Through : Mr. Abhishek Choudhary and Mr. Rajeev Kumar Yadav, Advs.

versus

UNION OF INDIA & ORS Respondents

Through : Mr. Bhagvan Swarup Shukla, CGSC with Mr. Kamal deep, Adv. for UOI.

Mr. Sanjoy Ghose, ASC for GNCTD with Mr. Rhishabh Jetley and Ms. Urvi Mohan, Advs. for GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. These two writ petitions were filed complaining against the action of the Government of NCT of Delhi declaring Ex-Serviceman Ram Kishan Grewal, who committed suicide during protest at Jantar Mantar in November, 2016 over the issue of grant of “*one rank- one pension*”, as a ‘*martyr*’.

2. The petitioner complains that the Government of NCT of Delhi had announced an *ex-gratia* amount of Rs.1 crore for his family. This writ petition seeks quashing and setting aside of the decision of the GNCTD holding the deceased as martyr, the award of the said compensation as well as the decision to grant any job to his family member in the Delhi Administration on compassionate grounds.

3. Government of NCT of Delhi – impleaded as respondent no.4 (in WP(C)No.10536/2016) has filed a counter affidavit placing before this court the Cabinet decision No.2446 dated 4th November, 2016 approving the release of amount of Rs.1 crore to the family member of the deceased Subedar Ram Kishan Grewal (Retd.) and Cabinet decision No.2455 dated 8th December, 2016 deciding to make an exception to the *ex-gratia* scheme to war widows, war disabled PoWs, missing in war/operation etc of defence personnel.

However, both the decisions have not been approved by the Lieutenant Governor of Delhi.

4. Respondent no.4/GNCTD has further informed this court that

the Lieutenant Governor of Delhi has directed the Ministry of Home Affairs of the Government of India and the Ministry of Defence to examine of the proposal of the Government of NCT of Delhi.

5. Although, the petitioner may have flagged an important issue regarding the manner in which public funds would be dispensed, given the fact that the respondents are not implementing their decisions, we are not required to comment on this aspect of the matter. It would therefore, appear that the apprehensions of the petitioner are premature at this stage and inasmuch as the said impugned decisions are not being implemented.

These writ petitions are therefore, not maintainable and are hereby dismissed.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 12, 2017

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