

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.7942 OF 2006

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not paying the remaining compensation awarded by UNCC, as illegal and arbitrary, and consequently, to direct the respondents to pay the entire balance amount of compensation awarded by UNCC.

2. Heard Sri N. Parameswara Reddy, learned Counsel for the petitioner and Sri K. Lakshman, learned Assistant Solicitor General for the 1<sup>st</sup> respondent and Sri A. Krishnam Raju, learned Counsel on behalf of respondents Nos.2 to 4.

3. It has been submitted by the learned Counsel for the petitioner that during the Gulf War (Kuwait) in the year 1990, he was in Kuwait and due to war, he returned to India, and the United Nations Compensation Commission (UNCC) at Geneva announced compensation to war victims, and the petitioner being the war victim submitted an application to the 1<sup>st</sup> respondent as announced by UNCC, and the 1<sup>st</sup> respondent after conducting enquiry identified the petitioner for sanction of compensation, and in order to receive the said compensation, the petitioner opened an account in Indian Overseas Bank, Khammam Branch, and he received part of compensation of 2,500 U.S. dollars under 'A' claim and 8627.56 U.S. dollars as second part under 'C' category through respondents Nos.2 to 4, however, the balance amount of compensation under first part in category 'C' has not been disbursed to the petitioner. It has been contended by the petitioner that when a part of compensation has been disbursed, the action

of respondents in not disbursing the balance amount of compensation, is arbitrary and illegal, and therefore, the present writ petition is filed.

4. The learned Counsel appearing for respondents Nos.2 to 4 contended that the balance amount was not released by the 1<sup>st</sup> respondent and as long as the 1<sup>st</sup> respondent has not released the compensation, the question of paying the same to the petitioner by respondents No.2 to 4 would not arise.

5. The learned Assistant Solicitor General appearing for the 1<sup>st</sup> respondent submits that if the petitioner is entitled to receive the balance amount of compensation as claimed by the petitioner, the same will be released to the petitioner.

6. Having considered the rival submissions made by the parties, this Court is of the view that this writ petition can be disposed of with a direction to the 1<sup>st</sup> respondent to examine the claim of the petitioner and release the balance amount of compensation in his favour.

7. Accordingly, the Writ Petition is disposed of directing the 1<sup>st</sup> respondent to examine the claim of the petitioner and release the balance amount of compensation in his favour, if it is found that the petitioner is entitled to receive the balance compensation as claimed by him under the scheme announced by UNCC, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

23<sup>rd</sup> April, 2018

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