

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.25924 of 2015
Date of Decision: 15.05.2018

Jasbir Kaur

..... Petitioner

Vs.

Union of India and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.K.S. Sidhu, Advocate,
for the petitioner.

Mr.H.S. Sitta, AAG, Punjab.

RAKESH KUMAR JAIN, J.

The petitioner is the widow of late Buta Singh s/o Karnail Singh, who had gone for "Kaar Sewa" in the year 1984 along with Gurmail Singh and other persons to Gurudwara Hargobindsar, Karnal G.T. Road, New Delhi and killed on 1.11.1984 in the Anti Sikh Riots of 1984 along with 28 other persons regarding which a case was registered vide FIR No.315 dated 1.11.1984 under Sections 147, 148, 436, 427 and 302 of the IPC at Police Station Alipur, Delhi. The petitioner belongs to the Scheduled Caste category and is allegedly living under the below poverty line. She had been issued Red Card/Identification Card of Riot Victim Family on 4.1.2008 by the office of respondent No.4/DC, Moga on the recommendation letter dated 3.8.2007 issued by the office of respondent No.5/Sub Divisional Magistrate, Baghapurana, Distt. Moga but she had not been given the other benefits. It is averred in the petition that on 16.12.2014, the Government of India announced the Rehabilitation

assistance for the victim of Anti Sikh Riots of 1984 in case of death. The petitioner had applied for the same on 23.2.2015 and since there was no response, therefore, the present petition has been filed in which after notice, respondents No.2 to 5 have filed their reply wherein they have admitted that the petitioner is a victim of Anti Sikh Riots 1984. It is further averred in the reply that the petitioner has been issued Red Card No.5/RRA on 26.12.2007 and family pension of ₹5000/-is being paid to her since March, 2016 when the petitioner had submitted the application for it. It is further averred that the application of the petitioner for grant of ex-gratia of ₹5 lacs was recommended vide letter No.164/RRA dated 31.03.2015 to the Under Secretary, Rehabilitation and Disaster Management Department, Punjab but sanction has not been received. It is further averred in the reply that the application of the petitioner for job was submitted on 7.1.2016 in which verification of the heirs was made and process for service as per the rules has been going on and a District Level Committee has been constituted by the District Magistrate, Moga. It is also averred that respondent No.5 has already submitted the report regarding job application vide letter No.168 dated 11.2.2016 to the office of respondent No.4, which is under process and may be considered by the District Level Committee in its meeting.

Learned counsel for the petitioner has submitted that though the respondents have admitted everything but nothing has been given to the petitioner except the pension of ₹5000/- w.e.f. March, 2016 though the Red Card was issued to her on 26.12.2007. He has prayed that an appropriate direction may be issued to the respondents to complete their process of grant of ex-gratia of ₹5 lacs to the petitioner for which the recommendations have already been made to the Under Secretary, Rehabilitation and Disaster

Management Department, Punjab and also for grant of job to her for which the matter is under consideration of the District Level Committee.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the case, I am of the considered opinion that the petitioner has a substance in his argument and as such the present petition is hereby disposed of with a direction to the respondents to act upon the recommendations dated 31.3.2015 for the grant of ex-gratia of ₹5 lacs to the petitioner and also in respect of the application of the petitioner for job which is to be considered by the District Level Committee. The entire exercise shall be done by the respondents within a period of four months from the date of receipt of certified copy of this order. The respondents shall also consider that whether the petitioner is entitled to pension from the month of December 2007 when the Red Card was issued to her as she has been given the pension from March 2016 i.e. the month on which she has made the application in accordance with the provisions of the policy much less the Rules etc. and pass the appropriate orders in this regard. This exercise shall also be done simultaneously within a period of four months.

With these observations, the present petition is hereby disposed of.

15.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No