

\$~11

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

+ **W.P.(C) 5039/2015**

JUMBER SINGH THROUGH HIS SON
NIRVAIL SINGH

..... Petitioner

Through: Mr Arvind K. Sharma, Advocate.
versus

UNION OF INDIA & ANR

..... Respondents

Through: Ms Mrinalini Sen Gupta, Advocate
with Mr Tanmay Yadav, Advocate
for Respondent No. 2 MOHA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **19.01.2018**

1. The present petition has been filed by one Nirvail Singh, son of Jumber Singh on behalf of his father. The prayer made by the petitioner in the present petition is set out below:-

“(a) issue a writ of mandamus or any other appropriate writ order or direction whereby directing the respondent for rehabilitation / compensation of the petitioners family for mental and physical loss, pain, torture suffered by the petitioners’ and their family during the years of jail in Pakistan due to the negligence of the respondents to do their duty under the Constitution sincerely towards the petitioner and his family, in order to sustain their livelihood as guaranteed under the Constitution of India under Articles 19 & 21 :”

2. It is asserted that Jumber Singh was working for Intelligence Bureau , Government of India and he was intercepted and arrested on 20.01.1978 by the Pakistan Authorities. It is further claimed that he has been detained in a Pakistani Jail and no information as to his whereabouts are available. It is

further stated that it is also not known whether he is alive or has expired.

3. Respondent no.2 disputes that Jumber Singh was working for the Government of India and was sent to cross the border to gather information. Respondents have also annexed a communication received from Senior Superintendent of Police, Taran Taran with the counter affidavit, which indicates that there are reports that Jumber Singh was shot dead at Indo-Pak Border about 15/20 years ago and his *Antim Ardas* and *Bhog* ceremony was conducted by his family members.

4. It is seen that there is no material whatsoever to even remotely suggest that Jumber Singh had been working for the Intelligence Bureau. The petitioner had also not produced any material to indicate that Jumber Singh had crossed over and had been incarcerated in Pakistan.

5. It is seen that certain representations had been made by Smt. Harbhajan Kaur, wife of Jumber Singh in the year 1982 and 1983. Pursuant to the aforesaid representations, the Ministry of External Affairs had communicated with the counterparts in Pakistan and were informed that Jumber Singh could not be traced in any of the Pakistan Jail. The letter dated 01.09.1983 issued by the Ministry of External Affairs, Government of India clearly indicates the same.

6. In view of the above, the relief as prayed for cannot be granted.

7. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JANUARY 19, 2018/RK