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

+ W.P.(C) 11745/2018

MANISHA MICHEAL

..... Petitioner

Through: Mr K. L. Janjani and Mr Pankaj
Kumar Singh, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Abhay Prakash Sahay, CGSC
with Mr Suraj Kumar, Advocate for
R-1 & R-2.

Ms Rashmi Chopra and Ms Vriti
Anand, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.10.2018

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to pay the terminal benefits pertaining to the petitioner's father who was employed as Chauffeur with the Russian Embassy since 1992. He was killed in a bomb blast that occurred at Sarojini Market on 29.10.2005. The petitioner has already received a compensation awarded by the Government with regard to death of her family members. She seeks terminal benefits from her father's employer (Russian Embassy). The Russian Embassy has since paid a sum of ₹50,000/- to the petitioner but has declined to pay any further amount.
2. In the circumstances, the petitioner had made a representation dated 28.04.2017 to the Ministry of External Affairs, *inter alia*, praying that

consent be granted under Section 86 of the Code of Civil Procedure, 1908 (hereafter 'CPC') to file an appropriate action for recovery of the terminal benefits pertaining to the petitioner's father.

3. The documents produced on record indicate that the respondents had taken up the petitioner's case with the Russian Embassy. However, the Russian Embassy has taken a stand that the petitioner's father did not hold status of regular staff at the time of his death. The Embassy has further, informed that they do not feel legally or morally obliged to satisfy the said request to pay ₹10 lakhs as terminal benefits. It is seen that the petitioner's request for consent under Section 86 of the CPC has not been processed.

4. The relief sought by the petitioner – a direction to the respondents to pay terminal benefits – cannot be granted as the respondents were not the employers of the petitioner's father and have no obligation to pay any employment benefit as available to him or his heirs.

5. However, as noticed above, the petitioner's request for permission to institute action against Russian Embassy has not been processed. In this view, the present petition is disposed of by directing the respondents to consider the petitioner's request for consent under Section 86 of the CPC to institute an action against the Russian Embassy. The respondents shall communicate its decision in this regard as expeditiously as possible and preferably within a period of two months from today.

6. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

OCTOBER 30, 2018/MK