

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-962-2014 (O&M)

Date of Decision:-12.03.2019.

Shri Bhagwan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Harpal Singh Baidwan, Advocate (Amicus Curiae)
for the petitioner.

Mr. Sunil Kumar Vashisht, DAG, Haryana.

ARUN MONGA, J. (Oral)

The present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of *certiorari* to quash impugned letter/order dated 08.06.2012 (Annexure P-6), whereby, the claim of the petitioner to release an amount of Rs.1,00,000/- under the Rajeev Gandhi Insurance Scheme, owing to the death/murder of his son has been declined.

2.) At the outset, this Court appreciates the *pro-bono* services rendered by the learned *amicus curiae* Mr. Harpal Singh who was appointed under order dated 25.01.2019 of this Court to assist in view of none appearing on behalf of the petitioner, though initially the petitioner was represented through a learned Advocate who had filed the present petition.

3.) Succinctly put, the factual matrix of the case is not disputed.

The petitioner is father of deceased Anil Kumar who was murdered on

Road, Bhiwani. An FIR No.236 dated 03.09.2009 under Section 302 was registered at Police Station, Bhiwani. After recovery from the shock and trauma caused by the sudden death of his son, the petitioner on coming to know about the financial assistance provided by the State Government in cases of unnatural death applied for the same under Rajeev Gandhi Insurance Scheme (Annexure P-7). It would be instructive to reproduce the relevant of the Scheme, *ibid:-*

“A lot of people die or get permanently disabled due to various accidents like rail/road accidents, fires, drowning, snake bites, electrocution and farming equipment or even unnatural causes like murder, poisoning etc. This results in not only suffering to the bereaved dependents on account of the loss of life but heavy financial burden to the affected family.

As on date, there is no or very little compensation available to the bereaved family following death/permanent disablement of the domicile of Haryana in case of road/rail accident. Dependent of the deceased can approach Motor Accident Claims Tribunals for relief but such processes take a lot of time in getting compensation through Motor Accident Claims Tribunals. It also involves a lot of paper-work, proceedings in the court and several witnesses to finalize the case resulting in delay. In this way, relevance of the compensation is more or less diminished.

This creates an urgent need for financial support, which in fact is proposed to be provided by this scheme in the form of compensation to the bereaved family as per details below in order to address their immediate financial requirements.

1. ELIGIBILITY

(i) Beneficiary

Persons of age 18 years and above but below 60 years of all the families in Haryana whose names appear in the voters' list of Haryana or who hold Ration Card issued by the Food and Supplies Department of Haryana shall be covered under this Scheme, except the categories of family excluded in sub-para (ii) below and subject to the condition that the benefit will be admissible for only one member of the family. However, in cases where more than one member die or are injured in the same accident, benefit can be given in respect of all the dead or injured. Benefit of the scheme for death or permanent disability resulting from accident occurring even outside Haryana shall be extended under the scheme.

Homeless people, if fulfilling other conditions, are covered under this Scheme.”

4.) Notwithstanding the above Scheme, vide impugned order/letter dated 08.06.2012 (Annexure P-6), the Deputy Commissioner, Bhiwani rejected the claim of the petitioner for granting financial assistance on the ground that name of his son was not recorded in the ration card submitted by the petitioner.

5.) Learned amicus has drawn my attention to the contents of the FIR, post-mortem report, school leaving certificate of the deceased and Municipal Corporation Certificate (Annexures P-1 to P-4) and all of these clearly reflect the name of the deceased having been recorded as son of the petitioner i.e. Shri Bhagwan.

6.) To say the least, this is one case where the State ought to have shown its humanitarian side, on the contrary, the apathy of the State is writ

large from the red-tapism adopted by the respondents vide the impugned

order/letter. Per scheme, *ibid*, it is the beneficiary (father of deceased herein) who ought to have a ration card or the voter I.D. card in which his name should be reflected and not the benefactor (deceased herein). In the present case, the beneficiary i.e. the father of the deceased/benefactor had submitted his ration card. Even otherwise, the FIR, post-mortem report school leaving certificate and Municipal Corporation Certificate (Annexures P-1 to P-4, respectively) which are the public documents issued by the respondents-State, clearly reflect that the deceased/benefactor was son of the beneficiary/father/petitioner. A perusal of the Scheme above clearly shows that the benefit can be disbursed to a person who holds a ration card. The beneficiary as defined in insurance terms is a person or an entity entitled to receive the claim amount and the benefits upon the death of benefactor or on maturity of the policy. In lay terms, generally, a beneficiary is a person who receives benefit from a particular entity (trust or Government) or person.

7.) The petitioner herein is a poor person, working as Watchman and drawing a meagre salary of Rs.3500/- per month. After the death of his son, he is living in penury. The impugned letter/order dated 08.06.2012 (Annexure P-6) has been passed based on a premise which is completely misplaced. Accordingly, I am of the opinion that the impugned order dated 08.06.2012 (Annexure P-6) passed by the respondent No.4 does not stand judicial scrutiny and is untenable.

8.) In view of my discussion above and the reasons assigned therein, the impugned order dated 08.06.2012 (Annexure P/6) is set aside.

The present petition is disposed of with directions to respondent Nos.2 to 4

to process the case of the petitioner for grant of benefit under the Scheme,

ibid, in accordance with law. Let the needful be done within a period of 2 months from the date of receipt of certified copy of this order.

9.) In view of the needless litigation which the poor petitioner had to undergo, he is also awarded a sum of Rs.20,000/- as cost of litigation. In the parting, this Court once again appreciates the services rendered by learned amicus curiae, Mr. Harpal Singh Baidwan.

(ARUN MONGA)
JUDGE

March 12, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.