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

+ W.P.(C) 4888/2019 & CM No.21718/2019

MOHD RIYAZ

..... Petitioner

Through: Mr Arpit Bhargava, Mr Varun Talwar
and Ms Hina Bhargava, Advocates.

versus

GNCT OF DELHI & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.05.2019

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 06.04.2019 passed by respondent no.2 (Central State Legal Services Authority), whereby the petitioner's request for compensation under the Delhi Victims Compensation Scheme, 2015 was rejected for the reason that the same had been filed beyond the stipulated period.

2. It is the petitioner's case that he was working as a Constable with Delhi Police (respondent no.3). It is stated that he was on a dak duty on 14.05.2003 when he met with an accident. A copy of the FIR filed alongwith the present petition indicates that it was reported that one motorcycle had slipped and the rider (the petitioner) had sustained injuries. Thereafter, the petitioner was taken to a trauma centre in a PCR van. There was no eye witness to the said incident. The petitioner had suffered head injury and was in a Comatose condition.

3. On 12.11.2018, the petitioner had filed an application under the Delhi Victim Compensation Scheme, 2015, which was almost 15 years after the incident. Apart from the said application being highly belated, it is also noticed that there is no material to establish that any crime was perpetrated. The FIR suggests that the petitioner's motorcycle had slipped.

4. In this view, no interference with the impugned order is warranted.

5. The learned counsel appearing for the petitioner also earnestly contended that insofar as respondent no.3 is concerned, the petitioner is entitled to receive service benefits for the period 2004 to 2010. He states that the same have been illegally denied to the petitioner. It is seen that there is no communication on record seeking such benefits and there is no response from respondent no.3 rejecting the same.

6. The learned counsel appearing for the petitioner has drawn the attention of this Court to a communication dated 27.10.2004, whereby certain benefits were withdrawn from the petitioner for the reason that there was no further leave to his credit. He submits that even if no leave was available to the petitioner's credit; he would, nonetheless, be entitled to other benefits considering his condition.

7. In this regard, the petitioner is at liberty to make a formal application to respondent no.3. If such an application is made within a period of six weeks from today, the concerned authority shall consider the same and communicate its decision indicating their reasons for the same within a period of six weeks, thereafter. It is further clarified that if the petitioner is entitled to any other benefits, the concerned authority shall ensure that same

are made available to the petitioner.

8. The petition is disposed of in the aforesaid observations. The pending application also stands disposed of.

MAY 07, 2019
MK

VIBHU BAKHRU, J