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

+ W.P.(C) 8305/2014

SHAKUNTALA DEVI

..... Petitioner

Through: Mr Arijeet Singh, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Jasmeet Singh, CGSC for UOI.
Mr Akhilesh and Mr Ritesh Khare,
Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.04.2019**

1. The petitioner has filed the present petition impugning an order dated 05.06.2013 passed by the National Human Rights Commission, and an order dated 11.01.2013 passed by the Gujarat State Human Rights Commission.
2. The petitioner resides in a remote village in the State of Uttarakhand. She is the widow of late Shri Manohar Lal Gaur, who was the sole bread earner of his family. It is stated that Shri Manohar Lal Gaur had expired, while on duty in the Republic of Angola (Africa). At the material time, he was working as a 'Machine Operator' in a company named 'Best Angola Metal, Industries Angolanas De Metal Lda, Setima Avenida, Area Industrial, Cazenga, Caixa, Postal 6972 Lunda (Republic of Angola).
3. The petitioner claims that the said company was a sister concern of respondent no.5 and the petitioner was an employee of respondent no.5. According to the petitioner, respondent no.5 had sent the petitioner on

deputation to Angola. Respondent no.5 denies the same. Respondent no.5 states that it has no connection with Best Angola Metal, Industries Angolanas De Metal Lda, and further late Shri Manohar Lal Gaur was not its employee.

4. The petitioner claims that her husband died on 09.09.2012 in mysterious and unknown circumstances, allegedly in a road accident. The body of Shri Manohar Lal Gaur was received by the petitioner on 27.09.2012 alongwith certain documents, which the petitioner could not comprehend as they were in the local language of Republic of Angola.

5. The petitioner now seeks compensation for the demise of her late husband and has been pursuing the same, with the authorities for the release of gratuity fund, insurance and compensation for loss of life while on duty, etc.

6. The respondent, National Human Rights as well as the Gujarat State Human Rights Commission, has examined the said matter and found that no relief can be granted to the petitioner as the accident/incident had taken place overseas, and none of the parties in India could be held responsible for the same.

7. Mr Jasmeet Singh, learned counsel appearing for the respondents submits that efforts had been made by the Indian Consulate to elicit response from the employer in question (Best Angola Metal, Industries Angolanas De Metal Lda). However, the Consulate did not receive any response to its request.

8. He further states that the Consulate would render all possible assistance to the petitioner, in the event the petitioner shall take up the cause with the employer at Angola.

9. Insofar, as the responsibility of respondent no.5 is concerned, this Court finds no material on record, which would lead this Court to believe that the petitioner's deceased husband was an employee of respondent no.5 and had been sent on deputation to Angola. This court does not have jurisdiction over Best Angola Metal, Industries Angolanas De Metal Lda in respect of incidents that had occurred in Angola.

10. In the aforesaid view, no relief can be granted to the petitioner.

11. The petition is, accordingly, disposed of.

VIBHU BAKHRU, J

APRIL 03, 2019

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