

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CWP-4122-2021

Date of decision: 15.11.2023

PARAMJIT KAUR

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Ms. Veena Kumari, Advocate
for the petitioner.

Ms. Gehna Vaishnavi, Advocate
for respondent No.1-Union of India.

Mr. Teevar Sharma, Asst. A.G. Punjab
for respondents No.2 and 4.

Mr. Puneet Gupta, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has claimed compensation in terms of the policy dated 30.11.2017 (Annexure P-4) read with the policy dated 11.05.2018 (Annexure P-7) which prescribes minimum compensation of Rs.3 lacs for an acid attack victim.

2. Counsel appearing on behalf of the petitioner contends that as a part of an interim compensation granted pursuant to the directions issued by this Court in a Public Interest Litigation, the respondents have already

disbursed a compensation of Rs. 2 lacs, however, in terms of the policy of 2017, the minimum compensation assessed for an acid attack victim is Rs. 3 lacs. She argues that the remaining Rs. 1 lac is yet to be disbursed to her. Reference is made by the petitioner to the judgment passed by this Court in **CWP-20477 of 2017** titled as “**Suman and another versus Union of India and others**” decided on 10.05.2018 to consider that the social welfare schemes have been formulated to ameliorate the grievance of the deprived section of the society and compensation to the tune of Rs. 1 lac from the Prime Minister National Relief Fund Scheme was ordered to be given even though the occurrence in question had taken prior to the notification of the scheme. The relevant extract of the said judgment reads thus:

*“To my mind, in a social welfare state where the Government of India is trying to ameliorate the grievance of the deprived section of the Society, declining the payment of compensation of Rs.1 lac from the Prime Ministers National Relief Fund Scheme only on the ground that the occurrence is prior to the decision taken by the Government of India is not justified. Therefore, I hold the petitioners entitled to Rs.1 lac each from the Prime Ministers National Relief Fund Scheme and direct respondent No.1 to make the payment of the said amount to the petitioners within a period of one month from the date of receipt of certified copy of this order. Further, learned counsel for the petitioners has relied upon a decision of this Court in the case of "**Anju Vs. State of Haryana and others**" 2016(2) RCR (Criminal) 794, which was also a case of an acid attack victim. In the said case, all the policies of the Government were thoroughly discussed besides noticing the decision of the Supreme Court in the case of "**Parivartan Kendra Vs. Union of India**" 2016(1) RCR (Criminal) 336. Respondents No.2*

& 3 are thus further directed to consider the case of the petitioners in the light of the decision rendered by this Court in the case of Anju (Supra) and grant them necessary compensation/relief, if they are found entitled to it. The necessary order shall be passed either by respondent No.2 or respondent No.3 within a period of one month from the date of receipt of certified copy of this order. It is needless to mention that the amount of Rs. 1,50,000/-, which has been enhanced in the case of petitioner No.2, shall also be paid to her within a period of one month from the date of receipt of certified copy of this order.”

3. Counsel for the respondents have contended that the Scheme of 30.11.2017 was notified at later point of time and was to be effected from the date of its notification and as such, the benefits admissible under the said scheme cannot be extended to the petitioner. However, the ratio of the judgment passed in CWP-20477 of 2017 is not disputed.

4. In the given circumstances of the case and considering the equities in favour of the petitioner, I allow the present writ petition. The respondents are directed to release the remaining compensation of Rs. 1 lac as per the scheme notified on 30.11.2017 to the petitioner within a period of 06 weeks from a receipt of certified copy of this order. The question of law shall, however, be kept open.

(VINOD S. BHARDWAJ)

JUDGE

NOVEMBER 15, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No