

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

206

**CWP-8919-2018 (O&M)
Date of Decision: 24.02.2023**

GURUCHARAN SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Amit Arora, Advocate
for respondent No.5.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Mandamus directing the respondents to grant benefit advanced by the Government for riot victims to the petitioner

Vide order dated 02.12.2022, the respondent No.5- Union of India had been directed to file an affidavit with regard to the relief admissible to the petitioner. Pursuant to the above said direction, a short affidavit of Mr. K.A.P. Sinha, Addl. Chief Secretary-cum-Financial Commission, Department of Revenue and Rehabilitation, Punjab has been filed on behalf of respondents No.1 and 2. The relevant part thereof reads thus:

“That the present petition has been filed to seek the relief for release the benefits announced by the Government of India for riot victims, on the basis of letter no. 13018/13/2014-Delhi-I(NC) dated 09.05.2016 in continuation of earlier letters to provide relief to riot victims of 1984.

That the relevant para 2(iii) of the Govt. of India letter dated 09.05.2016 is reproduced as under:

(iii) The Govt. of Punjab will immediately on receipt of the letter should complete the verification of pending cases as mentioned in para 2(ii) above within a period of 3 months time from the date of issue of this letter and make disbursement of the amount from their own budget within the stipulated time period but not later than 8.11.2016 and then seek reimbursement from this Ministry. The disbursement made after the stipulated date will not be considered for reimbursement.

That the application was filed by the petitioner before Deputy Commissioner, Amritsar on 06.10.2016 which remained under consideration at the District Level and on 23.12.2016 the District Level committee made recommendation to grant the compensation to the petitioner and two others vide letter dated 23.12.2016 after the prescribed date i.e. 08.11.2016. There was stipulation in the said letter that the disbursement made after the stipulated period would not be considered by Govt. of India for as mentioned in clause (iii) of para 2 of the letter. Copy of the letter is attached as Annexure R1/A

That keeping in view the facts and circumstances of the case a detailed order has been passed for disbursement of grant of Rs. 2 lacs to the petitioner since it is felt that the petitioner had submitted his application within stipulated period but some delay has occurred at the District Level to consider the application of the petitioner and to make recommendation for eligibility of the petitioner, within the stipulated date. Copy of the speaking Order dated 16.12.2022 is attached as Annexure R1/B.

That after considering the circumstances a detailed speaking order has been passed to disburse the amount of Rs.2 lac as rehabilitation grant to petitioner.”

Learned counsel for the petitioner submits that even though the respondents have directed the concerned Authorities to release the rehabilitation grant, however, no specific time line has been prescribed. The claim of the petitioner is pending since 2016 and the respondents have acknowledged that the delay has occurred at the district level to consider the application of the petitioner. He, however, submits that he would be satisfied at this juncture, if the respondents are directed to released the aforesaid grant.

Learned State counsel has no objection to the same.

Accordingly, the present petition is disposed of directing the respondent No.3- Deputy Commissioner, Amritsar to disburse the amount of Rs.2,00,000/- as ordered by the Addl. Chief Secretary-cum-Financial Commission, Department of Revenue and Rehabilitation, Punjab vide order dated 16.12.2022 within a period of four weeks from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

Any other misc. application(s) also stand(s) disposed of accordingly.

24.02.2023.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No