

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-3359 of 2023(O&M)

Date of Order:31.10.2023

Mamta

.Petitioner

Versus

Sh. Anurag Jain, and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishav Jain, Advocate, for the petitioner.
Mr. Sudhir Nar, Advocate, for respondent no.1 & 2.
Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J

1. The petitioner herein lost her son as he fell in a pit dug by the respondents. She filed a writ petition for grant of compensation which was allowed on 16.02.2023. The operative part of the order reads as under:-

“Hence, as an interim measure, respondents No.1 & 5 Executive Director, Department of PWD (B&R) are directed to pay an interim compensation of Rs. 4,50,000/- to the petitioner within a period of two months from today. The said amount shall be disbursed to the petitioner i.e. mother of the deceased as the petitioner contends there is no other heir and the deceased was unmarried. The petitioner may take recourse to her alternative remedies in accordance with law. The petitioner would be entitled to the higher of the low compensation as assessed. In the event of the petitioner being granted any higher compensation by the Court, the respondents would be allowed to claim a set-off for the above amount. However, if the compensation assessed is lower than the awarded interim compensation, no refund would be admissible to the respondents.”

2. This petition has been filed after sending notices to the Union of India as well as to the Executive Director to implement the order.

3. Notice of motion.

4. On the request of the Court, Mr. Sudhir Nar, Senior penal counsel accepts notice on behalf of respondent no.1 and 2. He submits that the official respondents are taking steps to release the amount.

5. The order passed by the court is required to be implemented forthwith. In this case, the positive directions were issued by the court to pay the amount of interim compensation within a period of two months from 16.02.2023. Today, nearly the period of 8 months has elapsed, however the order has not been implemented. The respondents are in no case justified in taking shelter of their unending procedure. It not only amounts to denial of the compensation but also results in willful violation of the order.

6. Keeping in view the aforesaid facts, a direction is issued to the respondents to release the amount within one week, from today. If the order is not implemented, this court proposes to direct the personal appearance of the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi, apart from imposing personal cost of Rs.50,000/-.

7. The petitioner shall have the liberty to file an application for revival if the order is not implemented.

8. All the pending miscellaneous applications, if any, are also disposed of.

October 31, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO