

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

208

**CWP-19143-2018 (O&M).
Date of Decision: 12.02.2024.**

DARSHAN SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

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

Present: Mr. Aman Sharma, Advocate (Legal-Aid-Counsel),
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab,
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition is for seeking directions to the respondents to grant compensation as well as Government job to the petitioner as he is a victim of terrorism. He also impugns that step brother of the petitioner has been given a Government job on the basis of investigation conducted in the FIR No.160 dated 22.08.1990, under Section 302, 307 and 34 of the Indian Penal Code, 1860, read with Section 25, 54, 59 of the Arms Act, registered at Police Station, City Tarn Taran.

Learned counsel for the petitioner contends that some terrorists had entered in the house of the petitioner on 21.08.1990 and fired shots.

Due to the said attack, father of the petitioner died at the spot and petitioner

also suffered serious nature of injuries leading to disability. The step mother of the petitioner got the above said FIR No.160 dated 22.08.1990, registered with regard to the incident. It was specifically stated by her that the injuries had been suffered by the petitioner and father of the petitioner had died and not with respect to any injuries sustained by her children (step brother/sister). Learned counsel for the petitioner contends that the petitioner was the actual victim of the terrorist attack as he suffered injuries himself and also lost his father. The said incident was also published in the newspaper on 21.08.1990. The petitioner was 16 years of age at the time of incident in the year 1990 and an amount of Rs.87,500/- was given by the Government of Punjab in the year 2007 as compensation, however, petitioner has not been granted any other benefit by the Government of Punjab for which he is entitled as per law. He submits that the petitioner has approached the respondent authorities on numerous occasions for the grant of benefits under the applicable statutory Scheme, however, the same are being denied.

A reply by way of affidavit of Pardeep Kumar, the Deputy Commissioner, Tarn Taran has been filed on 04.10.2018, wherein it has been averred that the grant of Rs.87,500/- in lieu of death of father of the petitioner was given to the petitioner on 17.12.2007 vide Cheque No.744592 and an additional amount of Rs.87,500/- was given in the shape of FDR No.ARL002705.

Learned State counsel by referring to the aforesaid reply, has submitted that the petitioner had furnished an affidavit that his father had died in police custody and a copy of the said affidavit has also been

attached. It is further submitted that as per the policy dated 05.02.1996, the dependent of the terrorist effected person who died in such an attack or suffered 100% disability may be given a Government job on compassionate grounds and Satinder Singh son of deceased Piara Singh had already been given a Government job and that since only one person was entitled to the Government job, the same having been offered, hence, the said benefit cannot be granted to the petitioner.

Even though the above said written statement was filed way back in the year 2018, however, no rejoinder/replication to controvert the factual aspects narrated therein has been filed

Since the admissible benefits as per the policy had already been given and Satinder Singh step-brother of the petitioner has also been given public appointment/Government job, the benefits under the said policy already stands released in favour of the petitioner. Further, it is noticed that a monthly pension @ Rs.5000/- as financial aid is also being given to Manjit Kaur in said category and she had also received one time aid of Rs.10,000/- at the time of marriage her daughter Sonu.

No other argument has been raised.

I have heard the learned counsel appearing for the respective parties and have also gone through the documents appended along with the present petition with their able assistance.

Learned counsel for the petitioner does not dispute the execution of the affidavit by the petitioner on 11.12.2007 and receipt of the various emoluments/compensation/financial aid released by the Government of Punjab. It is also not in dispute that Satinder Singh son of

deceased Piara Singh has also been given a Government job. Since the policy stipulates grant of Government job to one of the dependents of the deceased therefore, merely because Satinder Singh is step brother of the petitioner does not mean that he is not son of deceased Piara Singh. Hence, the loss of father is akin to the petitioner as well as Satinder Singh. The admissible dues having already been released in favour of the petitioner as per the policy, the remaining dissatisfaction, if any, in relation to grant of job is inter se between the petitioner and private respondent No.4. The said aspect cannot, at this stage, be adjudicated by this Court.

Further, since the admissible benefits as per the policy had already been given and Satinder Singh step-brother of the petitioner has also been given public appointment/Government job, the benefits under the said policy already stands released in favour of the petitioner. It is also noticed that a monthly pension @ Rs.5,000/- as financial aid is also being given to Manjit Kaur in said category and she had also received one time aid of Rs.10,000/- at the time of marriage her daughter Sonu.

The present petition is dismissed accordingly, at this stage.

Liberty is, however, granted to the petitioner to pursue his alternative remedies in accordance with law, if so advised.

Pending, misc. application(s), if any shall also stand(s) disposed of accordingly.

February 12, 2024
raj arora

(VINOD S. BHARDWAJ
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No