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

+ CONT.CAS(C) 802/2024

SMT. MAYA KAUR & ORS.Petitioners

versus

SH. ASHWANI KUMAR, ADDL. CHIEF SECRETARY
& ORS.Respondents

3

+ CONT.CAS(C) 1385/2024

REKHA & ORS.Petitioners

versus

SH. NARESH KUMARRespondents

4

+ CONT.CAS(C) 828/2024

ANITAPetitioner

versus

NARESH KUMARRespondent

12

+ CONT.CAS(C) 262/2024 & CM APPL. 46288/2024

PREETIPetitioner

versus

SH ASHWANI KUMAR, DEPARTMENT OF REVENUE
GOVT.OF NCT OF DELHIRespondent

Presence Mr. Pawan Reley, Mr. Akshay Lodhi, Mr. Gaurav Kumar, Mr. Kashif Azhar, Mr. Utkarsh Agarwal & Mr. Tanish Rawat, Advs.



Mr Sameer Vashisht Adv Standing Counsel Civil (GNCTD)
(thru VC) with Ms. Vaishali Gupta, Adv.

Mr Abinav Singh, SC for GNCTD with Ms. Kanishka
Aggarwal, Adv. for GNCTD

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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17.04.2025

**CM APPL.22390/2025 in CONT.CAS(C) 802/2024 & CM
APPL.22451/2025 in CONT.CAS(C) 1385/2024**

1. These applications have been filed by petitioners-applicants seeking release of *Rs.7 lakhs* which have been deposited with the Registrar of this Court, pursuant to directions of this Court on 17th February 2025, by the respondent-State.
2. The issue arose out of orders passed on 29th January 2024 in W.P.(C) No. 875/2024, wherein the Single Judge of this Court had directed a payment of *Rs.20 lakhs* to the petitioners who had lost their family members in manual scavenging, based on the decision of the Apex Court in **Balram Singh vs. Union of India & Ors.**, (2023) SCC Online SC 1386. Similar directions have also been passed in **Preeti v. Union of India & Ors.**, W.P. (C) No. 15156/2023 by order dated 23rd November 2023.
3. The directions passed in **Preeti v. UOI** (*supra*) were challenged by the State before the Division Bench in LPA 377/2024 which is pending before the Division Bench.
4. However, by an interim order dated 10th May 2024, while the issuing notice, the Division Bench directed without prejudice to rights and contentions of the State, to pay enhanced compensation, as directed by the



Single Judge, to the respondent within 6 weeks.

5. This order passed by the Division Bench in **State v. Preeti** was challenged before the Supreme Court. On 15th January 2025, the Supreme Court modified the order by the Division Bench taking note of the equities, and directed the State to pay an amount of *Rs.7 lakhs* without prejudice to rights and contentions of the respective parties, within 4 weeks.

6. Taking note of this, on 17th February 2025, the Court directed the State to deposit *Rs.7 lakhs* with respect to each of these petitioners with Registry of this Court within 4 weeks. The said amount was deposited pursuant to subsequent order dated 17th March 2025.

7. Counsel for petitioners pleads that considering the decision in **Preeti** (*supra*) was relied upon by this Court in the other matters in W.P.(C) No. 875/2024, W.P.(C) No.9020/2017, and W.P.(C) No. 2211/2024, where similar orders were passed by the Single Judge, the least which can be done is that *Rs.7 lakhs* deposited, be released to the petitioners in consonance with and in spirit of the order passed by the Supreme Court in **State v. Preeti**.

8. Mr. Sameer Vashisht, Standing Counsel Civil (GNCTD), states that LPAs have been filed, however, only notice on condonation of delay applications have been issued.

9. In the opinion of this Court, considering the background facts and circumstances in these matters, the order passed by the Court on 29th January 2024, still subsists and has not been modified or set aside by the Division Bench. Moreover, directions of the Supreme Court in **State v. Preeti** will effectively apply to other petitioners as well, who are similarly placed. Therefore, without prejudice to rights and contentions of the State, *Rs.7 lakhs* deposited with the Registrar, ought to be released to the



petitioners.

10. Accordingly, the applications are allowed.

11. The said amounts be released to the respective petitioners/applicants in terms of the prayers in these applications.

12. Both these applications stand disposed of.

CONT.CAS(C) 802/2024, CONT.CAS(C) 1385/2024, CONT.CAS(C) 828/2024 & CONT.CAS(C) 262/2024

1. The issue remains pending as far as payment of the balance amounts is concerned. However, considering the submissions of Mr. Sameer Vashisht that matter in **Balram Singh** (*supra*) is being considered by the Supreme Court in terms of its prospective/retrospective applicability, these matters are deferred to 31st July 2025.

2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 17, 2025/sm/bp