



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

CWP-11743-2019 (O&M)

Date of Decision : **08.01.2025**

MAMTA AND OTHERS

.....Petitioners

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gaurav Tyagi, Advocate,
for the petitioners.

Mr. Somesh Gupta, Senior Panel Counsel,
for the respondent-UOI.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226 of the Constitution of India, prayer is made for issuance of a *mandamus* upon the respondents to grant compensation to the petitioners on account of death one Gaurav Singh, who was working as a Helper Engineer (North Central Railway), while being on duty on 29.07.2017.

2. The short reply dated 04.01.2023, filed to the instant petition reflects that the claim of the present petitioners was considered by the railway authority concerned, and in fact, their grievance has been redressed as petitioner no.1, wife of the deceased Gaurav Singh, has been granted employment on compassionate ground alongwith financial assistance.

3. Learned counsel for the petitioners submits that though the respondent authority concerned, has granted the compassionate appointment to petitioner no.1 (wife of the deceased), however, still the compensation on account of the death of her husband, on railway track while being on official duty, is yet to be assessed by the respondent authority concerned.

4. The aforesaid averment of learned counsel for the petitioners was refuted by learned Senior Panel Counsel appearing for the respondents, to the effect that as per the inquiry report the deceased- Gaurav Singh, was not on duty hours, at the time of the accident.

5. This Court has put a specific query to learned Senior Panel Counsel for the respondents, whether, any order declining the relief/claim, as sought by the petitioners, has been passed the respondent authority concerned, in view of the said inquiry report, to which he answered in 'negative'.

6. In view of the above, without observing anything regarding the entitlement of the petitioners to claim compensation, on account of the death of Gaurav Singh, apart from other benefits given to the petitioners, a direction is passed upon the respondent authority concerned, to pass a speaking order, regarding the claim as raised before this Court, through the instant writ petition, after giving adequate opportunity of hearing to the parties concerned.

7. It is expected that the respondent authority concerned, shall pass such speaking order within a period of 03 months from the date of receipt of a certified copy of this order.

8. **Disposed of** accordingly.

9. All pending application(s), if any, also stand **disposed** of accordingly.

January 08, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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