



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

CWP-22644-2019 (O&M)
Date of Decision : **16.01.2025**

GULZAR MASSIH

.....Petitioner

VERSUS

THE FINANCIAL COMMISSIONER AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Surinder Gandhi, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Ms. Rosa Agnihotri, Advocate,
for respondent no.4.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon the respondents to disburse the interim compensation of an amount of Rs.20.00 lakhs to the petitioner, as per the Punjab Victim Compensation Scheme, 2017, as well as the law laid down by the Supreme Court.

2. What surfaced from a perusal of the record is that, the respondent no.4-District Legal Services Authority, Gurdaspur, has passed a speaking order on 14.08.2020, whereby, the compensation has has been awarded to the present petitioner. The relevant extract of the said order reads as under:-

“3. As per Clause 4 of the Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018, a women victim or her dependents are eligible to be granted compensation for multiple schemes applicable in the case. The quantum of compensation is to be ascertained after following the procedure laid down under Clause 5 of the Scheme. However, the interim compensation is required to be disbursed to the dependents of the prosecuted deceased so as to render justice to the matter, as provided under the Scheme. The identity of the victim stands established. The dependent has approached the office of the District Legal Services Authority, Gurdaspur. This prima-facie establishes the requirement of immediate disbursement of interim compensation under the Scheme. Proceedings under 12 of the Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018, the interim relief to be granted to the dependents shall not be 25% of the maximum compensation awarded as per schedule application to the scheme. As per Sr. No. 1 of Schedule applicable to the Scheme, the limit of minimum limit of compensation for loss of life is Rs. 5 Lakh and the upper limit extended Rs. 10 Lakh. As per Sr. No. 2 of the Schedule applicable to the Scheme, the minimum limit of the compensation to a gang raped victim is Rs. 5 Lakh and the upper limit extended Rs. 10 Lakh. In this way, the dependent of the prosecutrix deceased victim is entitled to be paid Rs. 10 Lakh as minimum compensation and upper limit goes to Rs. 20 Lakh. It would be justified if an interim relief in the form of 25% of the maximum limit of Rs. 5 Lakh is immediately disbursed to the dependent.

6. To disburse the said interim compensation of Rs. 5 Lakh (Rupees Five Lakh Only), let the bank account details of the dependent be called. Out of which the 75% amount, as per clause is to be put in the Fixed deposit for minimum period of 3 years and the remaining 25% shall be available for utilization for initial expenses by the dependent of the prosecutrix deceased victim.”

3. In view of the above, the prayer, as made through the instant writ petition, has rendered infructuous.

4. **Dismissed as having been rendered infructuous.**

5. However, liberty is reserved to the petitioner, that in case, if any grievances is left to the petitioner, he can raise the same by filing an apt motion, before the apt authority.

January 16, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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