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

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**W.P.(C) No. 8350 of 2009**

SWARAN SINGH

..... Petitioner

Through: Mr. Israel Ali, Advocate.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY  
OF DELHI & ORS.

..... Respondents

Through: Mr. Sachin Datta, Advocate for R-4.  
Mr. Rajiv Madan, Advocate for R-1 to R-3.

**CORAM:**

**HON'BLE DR. JUSTICE S.MURALIDHAR**

**ORDER**

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**09.02.2010**

1. The Petitioner is a victim of the 1984 riots. Initially on 12<sup>th</sup> November 1994 he received an ex gratia relief of Rs.10,000/- for the damage caused to his residential premises and Rs.2,000/- on account of having suffered injuries. Both cheques were deposited and encashed by the Petitioner.

2. In 1989-90 the Delhi Administration i.e. the predecessor of the Government of National Capital Territory of Delhi ('GNCTD') announced enhancement of the ex gratia relief to the extent already paid i.e. a further sum of Rs.10,000/- on account of damages to the residential units of the 1984 riot victims. The Petitioner filed an application for the enhanced relief on 14<sup>th</sup> September 1992. He was by a letter dated 2<sup>nd</sup> November 1992 asked to appear in person with original documents and proof of having received the initial instalment of ex gratia. This he did.

3. On 15<sup>th</sup>/16<sup>th</sup> December 1992 he was again asked to submit another set of documents since the documents submitted by him were stated to have been misplaced. The Petitioner complied on 30<sup>th</sup> December 1992. It is stated that for nearly 12 years thereafter the Petitioner kept pursuing his claims without success. The Justice Nanavati Commission of Enquiry submitted a report to the Government recommending a rehabilitation package with enhanced compensation for injuries as well as damages to houses. The Petitioner states that he was entitled to Rs.1.25 lakhs minus the amount already paid for the damage to his dwelling unit. This according to the Petitioner worked out to Rs.90,000. Therefore on 27<sup>th</sup> February 2006 he again applied for grant of ex gratia relief on account of damage to the residential unit. The Petitioner was in the meanwhile sent a cheque in the sum of Rs.1,23,000/- on 12<sup>th</sup> August 2006 being the enhanced amount he was entitled to on account of having suffered injuries.

4. The Petitioner was not granted the relief of enhanced compensation for the damage to the dwelling unit and he kept following up on his application. He again submitted documents on 26<sup>th</sup> April 2007. The Respondents by mistake issued him again a cheque of Rs.1,23,000/- on account of injuries whereas he ought to have been paid Rs.90,000/- plus Rs.10,000/- on account of damage to the residential unit. The Petitioner therefore returned the cheque in the sum of Rs.1,23,000/- by pointing out the mistake committed by the Respondent and once again requested for payment of enhanced compensation on account of damage to the residential unit. He approached the Public Grievance Cell ('PGC') which forwarded his complaint to the Divisional Commissioner on 27<sup>th</sup> June 2007. Despite the PGC writing to the Respondent No.3 again

thereafter, the Petitioner's grievance remained to be redressed and therefore he filed the present petition.

5. In the counter affidavit filed by the Respondents, it is not denied that the Petitioner is entitled to an enhanced amount of compensation for the damage to his residential unit in accordance with the recommendations of Justice Nanavati Commission. That the Petitioner was earlier paid Rs.10,000/- ex gratia, and that he returned the cheque dated 31<sup>st</sup> March 2007 for Rs.1,23,000/- which was mistakenly issued to him is also not denied. It is stated in para 8 of the affidavit dated 3<sup>rd</sup> October 2009 of the Sub-Divisional Magistrate, Kalkaji as under:

“That it is stated that at the request of the Petitioner seeking progress of his claim, a letter was sent to PAO-VI, Tis Hazari, Delhi on 29/09/2007 & thereafter on 31/12/2007 & 29/02/2008 (Annexure R-1 Colly.) for verification of earlier payment of Rs.10,000/- (Rs. Ten Thousand only) However the PAO-VI, Tis Hazari, Delhi informed the office of the answering Respondent, vide its communication No. PAO VI/MICR/2005-06/8415 (Annexure R-2) that the payment cannot be ascertained mere with the name of the claimant as such cheque No. and date of issue of cheque is required, the information sought is not feasible to provide. It was also stated that record for the year 1984-85 is not available, hence cheque No. 241704 was not found drawn in cheque drawn register. That it is further submitted that the response of the PAO VI was conveyed to the Petitioner.”

6. Learned counsel for the Respondents reiterates that the verification of the Petitioner's claims is still in progress.

7. This Court finds the stand taken by the Respondents not to be reasonable. The Petitioner has been running from pillar to post for his claims for the additional ex-gratia and the enhanced compensation for damage to his property, which were announced admittedly on 16<sup>th</sup> January 2006. While the Respondents do not deny that the Petitioner is entitled to the above sums, the only reason given for the delay in making the payment is that the earlier payments to him have not been verified.

8. The Petitioner has clearly mentioned the factum of having been paid the ex gratia amount of Rs.10,000/- by Cheque No. 241704 dated 12<sup>th</sup> November 1984 drawn on the State Bank of India, Lajpat Nagar, New Delhi which was deposited in his Account C-11142 maintained with the State Bank of India, Nirman Bhawan, New Delhi on 15<sup>th</sup> November 1984. This is a fact that could have been easily verified by now. It need not have taken this long at all. Not only that, the Petitioner has received Rs.2,000/- by Cheque No. 241891 in December 1984 towards injury. Later the Petitioner received Rs.1,23,000/- by Cheque No.36688 dated 29<sup>th</sup> March 2006 towards enhanced compensation for injury in terms of the Justice Nanavati Commission recommendation. He was yet again issued another cheque in March 2007 in the sum of Rs.1,23,000/- which he returned as an honest citizen. .

9. In view of the above facts, there is no justification for the Respondents to delay any further the payment of sum of Rs.90,000/- plus Rs.10,000/- as ex gratia announced by the GNCTD for the damage to his residential unit. The delay in making the payment in the above sums is entirely on account of the

Respondents.

10. Consequently, this writ petition is allowed. The Respondents 1 to 3 are directed to pay within four weeks from today a sum of Rs.90,000/- to the Petitioner as ex gratia relief as per the directions of Respondent No.4 Union of India in its letter dated 16<sup>th</sup> January 2006 along with interest @ 6% per annum with effect from 1<sup>st</sup> April 2006 till the date of payment. Further Respondents 1 to 3 are directed to pay within four weeks from today a sum of Rs.10,000/- to the Petitioner towards the enhanced ex gratia relief as per the State policy granted in the year 1989-90 along with simple interest @ 6% per annum with effect from 14<sup>th</sup> September 1992 up to the date of payment. Further costs of Rs.5,000/- each will be paid by Respondents 1 to 3 and Respondent No.4 to the Petitioner also within a period of four weeks. The petition is disposed of in the above terms.

**FEBRUARY 09, 2010**

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**S. MURALIDHAR, J**