
(1995) 05 DEL CK 0015

In the Delhi High Court

Case No : C.W.P. No. 3770

Darshan Lal alias Bhola

APPELLANT

Vs

Union of India and another

RESPONDENT

Date of Decision : 09-05-1995

Acts Referred:

Citation : AIR 1996 Delhi 53

Hon'ble Judges : Dr. M.K. Sharma, J;D.P Wadhwa, J

Bench : Division Bench

Advocate : Swaranjit Arora, for the Appellant; S.N. Gupta, for the Respondent

Judgement

Dr. M. K. Sharma, J.—This writ petition by the petitioner is directed against stoppage of payment of relief assistance of Rs. 1,000/- per month to the petitioner which was being paid to him up to February, 1993 and illegally stopped thereafter against the provisions of law. The petitioner claims himself to be a migrant from Punjab and is living in Delhi with his family. According to the petitioner he is an original resident of Punjab and migrated from Ludhiana, Punjab to Delhi in the year 1988 in view of the terror posed by the extremists. It is stated that keeping in view the situation of Punjab the Government at Delhi opened a Special Cell for registration of migrants of Punjab in the office of Deputy Commissioner to provide them shelter, food and medical aid, wherein the petitioner along with his family members got registered on depositing a ration card No. 434387 issued at Ludhiana. After due enquiry and verification about the petitioner and his family the respondent granted relief assistance of Rs. 10/- for each member per day, and minimum amount of Rs. 1,000/-per month to provide food, clothing, medical aid etc. The petitioner was being provided with the aforesaid relief assistance regularly from the date of migration till February, 1993 without any break. However, suddenly causing a great shock to the petitioner the said meagre relief assistance had been stopped in the month of March, 1993 without any legal and just cause. Subsequently the petitioner was directed to appear before the office of the Deputy Commissioner, Relief Cell (II) on

17-3-1994 and after such appearance the then A.D.M. (R & R) passed an order on 9-5-1994 against the petitioner and refused to restore the relief assistance to the petitioner. The petitioner being aggrieved as against the aforesaid order filed an appeal before the Deputy Commissioner, Delhi, which was subsequently dismissed on 25-8-1994.

2. The respondent No. 2 contested the aforesaid writ petition by filing a counter-affidavit wherein it had been stated that the relief assistance provided to the petitioner was stopped on the basis of several complaints and different enquiry reports submitted by the Government of Punjab. It is further stated that after going through the record and on the advice received the relief assistance of the petitioner was stopped for the reasons disclosed in the order dated 9-5-1994 and that the appeal filed by the petitioner was also dismissed after considering all the facts by the Deputy Commissioner.

3. The learned counsel appearing for the parties placed before us the impugned orders passed on 9-5-1994 by the A.D.M. (R & R) and also the order passed on appeal by the Deputy Commissioner on 25-8-1994. The order passed by the A.D.M. (R & R) would reveal that there are 2 reports of the Government of Punjab. We find that one of those 2 reports stated that the petitioner and his family migrated from Punjab sometime in the year 1988-1989 whereas the other report states that the petitioner came to Delhi from Prem Nagar, Ludhiana in December, 1987 due to terrorist activities. Our attention was also drawn by the counsel for the respondents to the fact that there was a complaint against the petitioner wherein it was stated that the petitioner migrated from Punjab in the year 1980. The A.D.M. (R&R), on scrutiny and examination of the verification reports from the Government of Punjab came to the conclusion that there is a difference in the original places of residence in Punjab in both the reports and accordingly he held that in view of the aforesaid difference in the two reports of the Government of Punjab it is difficult to order restoration of relief to the petitioner. We have also perused the communication sent by the Deputy Director (R-II) to the petitioner communicating the rejection of the appeal filed by the petitioner for restoration of relief. The said order which is dated 25-8-1994 appears to us to be without any reason and is not a speaking order.

It is further disclosed from the order passed by the A.D.M. (R&R) that the opening of relief, pending verification report from the Government of Punjab was recommended earlier, but was not found feasible by the learned Deputy Commissioner as previous reports from the Government of Punjab were not mentioned. It is thus apparent to us on the facts and circumstances of the present case that the Deputy Commissioner who is the appellate authority herein had already taken a view in the matter before the A.D.M. (R & R) could decide the matter finally on 9-5-1994. Therefore, the decision rendered by the A.D.M. (R&R) could not be said to be an independent judgment. In view of the fact that his superior authority has already taken an adverse view against the petitioners prior to his taking an independent decision in the matter exercising his own

discretion. It is a well known principle in law that, justice not only should be done but also seen to be done. We also cannot hold that the order passed on appeal is an order passed in accordance with law as it is devoid of any reason and also not a speaking order. Giving of reasons is one of the basic tenets of fair and good administration since it provides a safeguard and check against arbitrariness. As and when an adjudicator is compelled to give a decision with reasons he is also compelled and obliged to give a careful consideration to the matter in hand. The authority when obliged to give reasons for his decision would be compelled to consider only the relevant and reasonable considerations and root out the irrelevant and extraneous consideration. It is now well settled law that an adjudicatory authority is to give reasons for its decision. In our considered opinion, although there are certain contradictions in the 2 verification reports submitted by the Government of Punjab the fact of the petitioner migrating from Punjab to Delhi in view of terrorist activities in Punjab in the year 1988/89 stands un rebutted.

4. In view of the aforesaid circumstances we set aside the order dated 9-5-1994 passed by the A.D.M. (R&R) as also the order passed by the Deputy Commissioner on 25-8-1994. We allow this writ petition and direct the respondent to continue to pay the relief assistance at Rs. 1,000/ - per month which was being paid up to February, 1993, to be paid from March, 1993 onwards till date and continue to pay the same till the said policy for payment of relief assistance continues to exist. With the aforesaid observations and directions this writ petition is allowed but without any costs.

5. Petition allowed.