
(2014) 05 DEL CK 0119

In the Delhi High Court

Case No : LPA 348/2014 and CM No. 7787/2014

Megh Singh

APPELLANT

Vs

Govt. of NCT Delhi

RESPONDENT

Date of Decision : 02-05-2014

Acts Referred:

Citation : (2014) 3 RCR(Civil) 826

Hon'ble Judges : G. Rohini, C.J;Rajiv Sahai Endlaw, J

Bench : Division Bench

Advocate : Mobin Akhter, Advocate for the Appellant; Nidhi Raman, Advocate for the Respondent

Final Decision : Dismissed

Judgement

1. This intra-court appeal impugns the order dated 29th January, 2014 of the learned Single Judge of this Court of dismissal of W.P.(C) no. 692/2014 filed by the appellant. The said writ petition was filed by the appellant impugning the order dated 17th December, 2013 of the District Magistrate (North-West)/Chairman Screening Committee for 1984 Riot Cases and seeking a direction to the respondent Government of National Capital of Territory of Delhi (GNCTD) to release the compensation claimed to the appellant.

2. The case of the appellant is; (i) that he is a victim of the sikh riots which had broken out in Delhi on 2nd November, 1984 in the wake of the death of the Prime Minister Smt. Indira Gandhi and in which riots several people were killed and public property destroyed by the rioters; (ii) that his house and shop were also burnt and looted by the rioters and his wife was also severally injured as a consequence of the attack of the rioters and succumbed thereto; iii) that the Government implemented several reliefs and rehabilitation packages for mitigating such hardships and for restoring back the sense of confidence and security in the affected persons including of sanctioning relief package under which compensation of Rs. 10,000/- for death and of Rs. 2,000/- for injury and of Rs. 10,000/- for complete destruction of house was provided for; iv) that the

appellant on 2nd/7th November, 2004 had given a written complaint in the Police Station Mangolpuri giving details of the loss of the property total amounting to Rs. 32,000/- suffered by him; (v) that the appellant was then running a Coal Depot which was burnt and looted by the rioters and the appellant made a representation to the MCD giving details of loss of Rs. 14,000/- and seeking compensation against the loss of property; (vi) that the appellant's wife received cheque no. 565879 of Rs. 2,000/- as initial ex-gratia compensation from the Government of Delhi in the month of January, 1985 against grievous injury caused to her; (vii) that the appellant on 20th February, 2006 made an application for enhanced compensation stating that he had not received any enhancement or fair compensation against the loss of property (house and shop) and the grievous injury caused to his wife; (viii) that though the SDM Kanjhawala sought the verification and confirmation about the appellant receiving previous amount of compensation of Rs. 2,000/- by way of cheque but no such confirmation was received; (ix) that the appellant on 31st August, 2012 again made representation seeking enhancement but no action was taken thereon also; (x) that the appellant ultimately filed W.P.(C) No. 3349/2013 which was directed to be treated as a representation of the appellant to be disposed of by a speaking order and in response where to the order dated 17th December, 2013 supra had been made.

3. The order dated 17th December, 2013 of the District Magistrate (North-West)/Chairman Screening Committee for 1984 Riots Cases, records/finds:-

(i) that though the appellant claimed that a sum of Rs. 2,000/- was paid to him towards compensation damage of property or towards compensation for grievous injury to his wife, but the said payment to the appellant had not been verified;

(ii) DCP (Anti Riot Cell) had given in writing that there was no report of injury to Smt. Prakash Kaur (wife of the appellant) in their record;

(iii) SHO, Police Station Mangolpuri also in his report dated 11th September, 2013 had confirmed that record pertaining to complaints up to the year 2007 had been destroyed;

(iv) that the appellant had admitted/accepted that compensation of property damage had been received by him and he was then pursuing for the relief on account of injury to his wife Smt. Prakash Kaur in the 1984 riots;

(v) the appellant could not give the date on which cheque No. 565879 for Rs. 2,000/- towards compensation for property was received by him;

(vi) that there was no record of encashment of the said cheque;

(viii) that the appellant had not produced any other proof of having received Rs. 2,000/- aforesaid;

(ix) that all the departments involved in the payment of relief had given a negative report in the case except SHO PS Mangolpuri who has stated that the

relevant record had been destroyed in 2012;

(x) that though the appellant had produced a Medical Certificate dated 6th November, 1984 of a Regular Medical Practitioner indicating the ailment of his wife but the said certificate had no serial number and signature of the patient was also not clear;

(xi) that the appellant had not produced any document in support of his claim, as were sought from him vide Office Notice dated 25th October, 2013; and,

(xii) that the appellant had also denied to sign on the report of the enquiry conducted.

4. The learned Single Judge has dismissed the writ petition finding no ground to substitute his own view for that of the designated authority, especially when the order dated 17th December, 2013 *supra* was not found to be perverse. It has also been observed that the photocopy of the Medical Certificate dated 6th November, 1984 indicating the ailment of the appellant's wife could not be relied upon as aforesaid.

5. This appeal itself is accompanied with an application for condonation of 60 days delay in filing thereof. The reason given is of illiteracy, poverty and old age of the appellant. However the allegations in this regard are vague. The wife of the appellant has admittedly died and the appellant has given the list of her legal representatives/his children. Thus it is not as if the appellant had any occasion to suffer prejudice on account of his old age, illness and poverty; when the appellant could file appeal after a delay of 60 days, he could have similarly filed the appeal on time also.

6. Notwithstanding the delay, we have heard the counsel for the appellant and the counsel for the respondent GNCTD appearing on advance notice.

7. The only argument of the counsel for the appellant is that there is no need for the Medical Certificate to be counter signed by the patient.

8. The counsel for the respondent has contended that from the very fact that the wife of the appellant died in the year 2007, as borne out from the factum of her making the application on 20.02.2006, it is evident that she did not succumb to the injuries even if suffered in 1984, as the death is after 23 years of the riots.

9. We have perused the documents filed by the appellant. The Medical Certificate is in printed language which provides that the signatures of the patient are affixed thereto; however there are no signatures; moreover the same is to the effect that the patient was suffering from "THAM Caute" and that her absence from duty from 6th November, 1984 to 16th November, 1984 was absolutely necessary for restoration of her health. The said Medical Certificate nowhere advances the case of the appellant, of his wife having suffered grievous injury in the riots. Else, there is nothing else to suggest so. There is also no document to show loss to any property of the appellant.

10. The most vital thing for the appellant to have proved was having received compensation as a victim of the riots. Though the appellant claims to have received Rs. 2,000/- by cheque but has been unable to prove the same. It appears that the wife of the appellant was employed that is why the Medical Certificate of absence was required. No reason has been given as to why the encashment of the said cheque is not reflected in the bank account of the appellant or his wife.

11. Moreover the delay of the appellant at each and every stage is also found to be fatal.

12. We therefore agree with the conclusion reached by the learned Single Judge that there is no ground to interfere with the order dated 17th December, 2013. Resultantly the appeal is dismissed.