

(2020) 07 DEL CK 0245

In the Delhi High Court

Case No : Civil Writ Petition No. 4025 Of 2020, Civil Miscellaneous Application
No. 14432, 14433 Of 2020

Shaan Mohd

APPELLANT

Vs

Gnctd & Ors

RESPONDENT

Date of Decision : 09-07-2020

Acts Referred:

Citation : (2020) 07 DEL CK 0245

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Rajshekhar Rao, Devesh Singh

Judgement

Prathiba M. Singh, J

1. This hearing has been done by video conferencing.
2. The present petition has been filed by a victim of the riots that took place in North-East Delhi in February, 2020. The case of the Petitioner is that he sustained a gun-shot injury on his leg during the riots and was immediately treated in Jag Parvesh Hospital, Shastri Park. He has preferred the writ petition seeking compensation in terms of the Delhi Government's
3. It is the case of the Petitioner that despite repeated representations and the fact that he has suffered a serious injury, the compensation amount is not being released. The petition was listed on 8th July 2020, when notice was issued. The stand of the GNCTD was that if the application is complete, then the compensation application would be processed. Mr. Rajshekhar Rao had then submitted that the SDM's office is currently not functioning due to the lockdown. Accordingly, the following order was passed on 8th July 2020.
- "6. There is no doubt that the Petitioner has suffered a serious injury. There is no reason for any delay in releasing the compensation. Accordingly, it is directed that the Petitioner's application may be processed in accordance with the

requisite procedure and upon satisfaction, compensation in terms of the Scheme shall be released to the Petitioner within a period of ten days from today. If the SDM office finds any deficiency in the Petitioner's application, the same shall be communicated to the Petitioner by 10th July, 2020.

7. Id. counsel for the Respondent to ascertain if the SDM office is open and if the claims under the Scheme are being entertained. Let this matter be listed for directions on this aspect tomorrow, i.e. 9th July, 2020."

4. Mr. Devesh Singh, Id. ASC, GNCTD has obtained instructions from the Sub-Divisional Magistrate (SDM), Seelampur. He submits that the SDM office is functioning. He has also received a communication today from the concerned SDM, that though the application filed by the Petitioner is available on their record, the compensation could not be released as the Medico-Legal Injury Register does not specify the nature of the injury as a 'serious injury'. Further the SDM has also communicated to learned counsel that the previous budget for payment of ex-gratia to riot victims has lapsed and fresh budget is being sought.

5. Mr. Rao, Id. counsel submits that the Petitioner is in severe financial difficulty and also needs to avail of medicines etc. Mr. Devesh Singh, Id. ASC submits that there is no provision for ex gratia payment even in the case of serious injury or for any interim relief.

6. The Medico-Legal Case (MLC) documents have been issued by the Jag Parvesh Chandra Hospital, Shastri Park, Delhi -110053 which is a government hospital. The Scheme categorises injuries as 'Minor Injury' and 'Serious Injury'. Though the MLC documents do not mention 'serious injury' in the column 'Nature of Injury', a reading of the entire document suggests that the injury is serious. A perusal of the Medico-Legal Injury Register at page 54 of the record clearly shows that the injury is described as "Gun shot entry one over left thigh". The Court has perused the MLC documents and the photographs of the victim. Prima facie this Court is of the opinion that the nature of injury suffered by the Petitioner is a serious injury.

7. The reason therefore given by the SDM for non-release of compensation does not appear to be justified, especially considering the fact that the Delhi Government's Assistance Scheme clearly announces that for serious injuries, Rs. 2,00,000/- is the amount that would be paid. The issue of budget is not a question within the domain of this Court. Once the Petitioner has suffered from a serious injury, the compensation under the Scheme ought to be released to him within a reasonable time. The communication sent by the SDM has now been handed over to Mr. Rajshekhar Rao, Id. counsel for the Petitioner. He may revert with instructions.

8. Considering that sufficient time has lapsed in this matter since the incident which took place on 24th February, 2020 and the fact that the lockdown on account of COVID-19 has resulted in enormous difficulties, the GNCTD is directed to release a sum of Rs.50,000/- to the Petitioner as ex gratia payment, within

one week, in order to enable him to avail medical facilities and medicines. The same would be adjusted in the final amount to be released to the Petitioner, upon the nature of injury being certified.

9. Ld. counsels for the parties shall communicate this order to the Medical Superintendent, Jag Parvesh Chandra Hospital, Shastri Park, Delhi-110053. Registry to also ascertain the address and serve the order upon the Medical Superintendent, Jag Parvesh Chandra Hospital. The Medical Superintendent shall peruse the MLC documents and confirm the nature of injury, in terms of the scheme "Delhi Government's Assistance Scheme for the help of Riot Victims". Mr. Rajshekhar Rao, Id. counsel may also obtain an independent opinion of any registered practitioner as to the nature of the injury after perusing the MLC.

10. List on the date fixed i.e., 30th July, 2020.