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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 4654/2021

RAMJAN

..... Petitioner

Through: Mr. Abhinav Garg, Mr. Anshul
Kumar & Mr. Bhanu Pratap, Advs.

Versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Bhagwan Swarup Shukla, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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04.06.2021

[VIA VIDEO CONFERENCING]

CM No.18583/2021 (for exemption)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

CM No.18582/2021 (of the petitioner for release of funds in compliance of order dated 15th April, 2021).

3. The son of the petitioner was employed with the respondents Border Road Organization (BRO), as an Assistant Executive Engineer (Civil) (Group 'A') in the Border Roads Engineering Service and was deployed for monitoring Casual Paid Labour (CPL) Quarantine Camp at Minamarg in Leh. On 22nd June, 2020, the vehicle in which the said son of the petitioner was travelling, fell into a deep gorge and rolled into fast flowing Drass river on Zojila-Kargil-Leh road. Nothing is known about the son of the petitioner till now; his body also has not been recovered till now.
4. The petitioner filed this petition, seeking mandamus to the respondents to find the missing son of the petitioner and to direct the

respondents BRO to provide financial assistance to the petitioner and his family. The counsel for the petitioner states that prior to the filing of the petition, only a sum of Rs.40,000/- was received by the petitioner from the respondents.

5. The petition came up first before this Court on 15th April, 2021, when while issuing notice thereof, the respondents BRO were directed to take a decision and make payment of whatever amount was deemed appropriate, to the petitioner and / or his wife, within four weeks thereof.

6. The petitioner has filed this application, which has been listed today on urgent mentioning and received in this Court post Court commencement hours, stating that in spite of the family of the petitioner being in dire financial straits and in spite of the period of four weeks granted on 15th April, 2021 being over, no payment whatsoever has been made.

7. The counsel for the respondents BRO appears on advance notice and states that in spite of him reminding the respondents BRO three or four times, no instructions have been received. With respect to the counter affidavit also, it is stated that the same is under preparation.

8. The aforesaid shows an absolutely callous approach of the officers concerned of the respondents BRO. The officers of the respondents BRO appear to feel no pain whatsoever for the families of the personnel employed in the respondents BRO. Almost one year has passed since the son of the petitioner has been missing. Till date, no payment save as aforesaid, has been made.

9. We have enquired from the counsel for the petitioner, whether the son of the petitioner who was employed with the respondents BRO, was married

and who are the other family members of the petitioner.

10. The counsel for the petitioner states that the said son was not married. With respect to the family members, it is stated that the petitioner and his wife have another son and a daughter; the other son was conducting coaching classes but which work also has come to a standstill in the prevalent pandemic; the daughter of the petitioner is about 25 years of age and is not working. It is stated, that the family of the petitioner was financially dependent on the son who was employed with the respondents BRO.

11. In the aforesaid circumstances, we direct the respondents BRO to, on or before 15th June, 2021, release a sum equivalent to one year's emoluments of the son of the petitioner for the period since when he is missing, by way of bank drafts for equal amount in the name of the petitioner and his wife viz. Maharun Nisha. We may record that the counsel for the petitioner, on enquiry has informed that the petitioner professes mohammedan religion and under the inheritance law applicable to the son of the petitioner, the petitioner and his wife are the only heirs of the son of the petitioner. The amount so released shall be adjustable from the total amount found due to the heirs of the son of the petitioner.

12. If the payment as aforesaid is not made on or before 15th June, 2021, the incumbent occupying the post of Director General, BRO shall be personally liable for non-compliance.

13. The counsel for the respondents BRO to today itself inform the Director General, BRO of this order, to ensure compliance.

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14. The application is disposed of.

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15. List on 28th July, 2021, as already scheduled.

RAJIV SAHAI ENDLAW, J

AMIT BANSAL, J

JUNE 4, 2021
'gsr'..