

ITEM NO.43

COURT NO.6

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos. 19840-19841/2021

[Arising out of impugned final judgment and order dated 12-09-2018 in WPSB No. 284/2017 16-10-2020 in RAMCC No. 302/2019 passed by the High Court of Uttarakhand at Nainital]

THE STATE OF UTTARAKHAND

Petitioner(s)

VERSUS

SARITA SINGH & ORS.

Respondent(s)

[TO BE TAKEN UP IMMEDIATELY AFTER FRESH MISC. MATTERS]

Date : 05-03-2025 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) :

Mr. Gaurav Bhatia, Sr. Adv.
Mr. Sudarshan Singh Rawat, AOR
Ms. Anubha Dhulia, Adv.
Ms. Saakshi Singh Rawat, Adv.
Mr. Vikas Tiwari, Adv.
Mr. Utkarsh, Adv.
Mr. Jay Banerjee, Adv.

For Respondent(s) :

Mr. Vijay Hansaria, Sr. Adv.
Ms. Sneha Kalita, AOR
Ms. Kavya Jhavar, Adv.
Ms. Nandini Rai, Adv.

Mr. Sarvesh Singh Baghel, AOR
Mr. Shaurya Krishna, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Shashwat Parihar, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Piyush Beriwal, Adv.

Mr. S K Gupta, Adv.
Mr. Sudarshan Lamba, AOR

Mr. Dhawal Mohan, Adv.
Mr. Paranjay Tripathi, Adv.
Mr. Rajesh Raj, Adv.
Mr. Prateek Bhatia, AOR

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1) After hearing learned senior counsel appearing for the parties, it reveals that the Government through the Chief Secretary had proposed to pay at least a sum of Rs.50 lakhs financial assistance as *ex-gratia* payment to the family of the deceased doctor who was shot dead in hospital during working by assailants. The said note was approved by the Chief Minister of the State at the relevant point of time. Later, only a sum of Rs.1 lakh was paid on the pretext that under the Rules, such huge amount cannot be paid.
- 2) It is informed that the family of the deceased

have been granted Leave encashment, G.P.F., Family pension, Gratuity and G.I.S. and the son of the deceased has been appointed on compassionate ground as Junior Assistant in the Health Department in compliance of the interim order of this Court dated 18.10.2021. It is further stated that a sum of Rs.10 lakhs as directed by this Court has also been paid to the family.

3) In view of the said submissions, it is urged that the computation of compensation done by the impugned order applying the multiplier method in the light of the Motor Accident Claims case is not justified.

4) *Per contra*, Mr. Vijay Hansaria, learned senior counsel for the respondents, submits that if the amount as proposed by the Chief Secretary, approved by the Chief Minister would have been paid at the relevant point of time including other legible

service benefits under the Rules and compassionate appointment would have been granted, the family of the deceased may not have persuaded to this litigation. He submits that on account of the shocking incident to shot dead the husband of respondent No.1 by fire arm; while discharging duty as doctor in the hospital, the Chief Secretary had put the proposal to pay at least Rs. 50 lakhs. The same was approved by the Chief Minister but not complied however, the Court applying the multiplier method rightly computed the compensation in the facts by the impugned order.

5) After having heard for some time and taking note of the submissions, we are *prima facie* of the view that even after approval of the proposal to pay Rs. 50 lakhs to the family of deceased by the Chief Secretary, it has not been honoured and the family is litigating since more than nine years. The

request made by family to release the sanctioned amount was not acceded to on the pretext of non-approval of the release of the said amount. In our view, looking to the gravity of the incident, the sanction must be honoured and the amount be paid along with interest. Thus, adding interest for about 9 years, we quantify the amount in total Rs.1 crore. Out of the said amount Rs.11 lakhs has been paid, therefore, remaining Rs.89 lakhs be paid within a period of six weeks and compliance may be reported to the Registry on affidavit on or before the next date of listing.

6) List the matter on 22nd April, 2025.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
COURT MASTER (NSH)