

Government of Jammu and Kashmir
Home Department
Civil Secretariat, Jammu/Srinagar

Subject: Claim petition titled Tilak Raj vs. State & Ors .

Reference: Communications bearing No. Legal / CP/ 03/ J/2015/ 935919 dated 28.04.2022 and No. Legal/CP/03/J/2015/920809 dated 16.03.2024 of the Police Headquarters, J&K.

Government Order No.: 181 Home of 2024
Dated : 25.04.2024

Whereas, on 27.04.2012, one person namely, Tilak Raj S/o Isher Dass R/O Mahal Ramgarh, Head Constable in IRP 5th Bn was hit by a vehicle (Ambassador Car) bearing Registration No. JK01M-0153 of SSG Unit, Jammu driven by the driver Ct. Tajinder Singh, No. 39/SSG, within the premises of DPL, Jammu resulting in grievous injuries to Shri Tilak Raj. The injured was immediately hospitalized in GMC, Jammu for treatment. Accordingly, a case FIR No. 60/2014 u/s 279/337 RPC was registered at P/S Gandhi Nagar, Jammu and after completion of investigation, charge sheet was filed against the erring driver in the Court of law for judicial determination; and

2. Whereas, Shri Tilak Raj filed a claim petition in the Hon'ble MACT, Jammu titled Tilak Raj vs. State and others praying therein for compensation to the tune of Rs. 30,00,000/- alongwith the interest of 7.5% per annum from the date of filing of the claim petition, till the amount is paid; and

3. Whereas, the Hon'ble Tribunal upon consideration of the matter, vide its interim order dated 09.02.2016 granted an interim compensation of Rs. 25,000/- in favour of the petitioner on the Principle of "No Fault Liability", which was sanctioned, vide Govt. Order No.Home-320 of 2016 dated 08.06.2016, on the request of the PHQ ; and

4. Whereas the matter was contested by the respondents by way of filing of objections, resisting therein the claim of the petitioner for grant of compensation on various grounds, more specifically the ground that the driver of the offending vehicle

at the time of accident was not driving rashly and negligently. The Hon'ble Tribunal framed issues for judicial determination and directed the parties to lead evidence; and

5. Whereas, the Hon'ble Tribunal on appreciation of the evidence and after hearing the parties, vide its judgment/award dated 25.03.2021 decided the claim petition in favour of the petitioner and directed the respondents 1 & 2 to pay a compensation of Rs.3,25,000/- (Rupees Three Lakhs and Twenty Five Thousand Only) along with interest @7.5% per annum from the date of institution of claim petition till its final realization; and

6. Whereas, the PHQ submitted a proposal for accord of sanction/release of award amount alongwith the interest to the tune of Rs. 4,41,045.00 (Rupees Four lacs Forty one Thousand and Forty Five Only) for its deposition before the MACT, Jammu, which was examined in consultation with the Department of Law, Justice and PA with regard to filing of appeal against the award dated 25.03.2021; and

7. Whereas, the Department of Law, Justice and PA vide U.O No. LAW-LIT5/1659/2022-10 dated 18.08.2022 advised to file appeal against the award dated 25.03.2021 passed by the Ld. MACT, Jammu in Claim petition No. 14/95 titled Tilak Raj vs. State & Ors along with application for condonation of delay before the Hon'ble High Court of Jammu & Kashmir and Ladakh at Jammu; and

8. Whereas, an appeal bearing Mac. Appeal No.51/2023 CM Nos. 3322 & 3323/2023 titled UT of J&K & Ors. vs. Tilak Raj was filed in the Hon'ble High Court at Srinagar and the Hon'ble Court vide its order dated 31.05.2023 dismissed the application for condonation of delay and consequently, the appeal filed against the award ibid was also dismissed; and

9. Whereas, the PHQ, J&K, vide its communications dated 07.07.2023 and dated 08.08.2023, inter-alia, conveyed that there is very little scope left with the respondents to further agitate the matter before the higher forum and accordingly requested that necessary sanction for drawal of the remaining payable award amount alongwith interest to the tune of Rs.4,70,095.00 (Rupees Four lacs, Seventy Thousand and ninety five Only) may be accorded at an earliest, so that the orders of the Hon'ble Tribunal are complied with in letter and spirit.

10. Now, therefore, Sanction is hereby accorded to the drawal of an amount of Rs.4,70,095.00 (Rupees Four lacs, Seventy Thousand and ninety five Only) in favour of the Director General of Police, J&K, as 'Award Amount' under Major Head 2055-Police, Detailed Head '633' in Claim petition titled Tilak Raj vs. State and ors.

as "Compensation" during financial year 2024-25 enabling him to deposit the said amount before the Hon'ble MACT, Jammu. The expenditure shall be booked after observing all the codal provisions and vouchsafing the availability of funds under the detailed Head- 633 –Compensation below Major Head 2055-Police.

The expenditure shall be booked under following classification:

Demand No..	02
Head of Department.	0201-Director General of Police
Major Head.	2055-Police
Sub-Major Head.	00-NA
Minor Head	001-Direction and Administration
Group Head	0099 General
Sub Head	0789-Director General of Police
Detailed Head	633-Compensation

By order of the Government of Jammu and Kashmir.

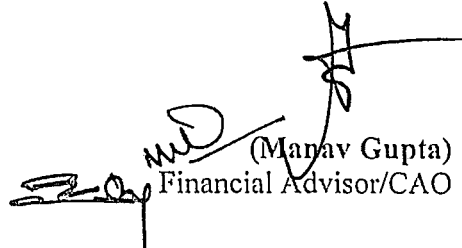
Sd/-
(Chandraker Bharti), IAS
Principal Secretary to the Government

No:- HOME-MACT/10/2022-01-HOME

Dated: 25.04.2024

Copy to the:

1. Director General of Police, J&K, Srinagar.
2. Principal Secretary to the Government, Finance Department J&K.
3. Principal Accountant General, J&K.
4. Treasury officer, Civil Secretariat Treasury.
5. Financial Advisor/CAO, PHQ for information and necessary action.
6. I/c Website, Home Department
7. Government Orders file.(w.2.s.c.).


(Manav Gupta)
Financial Advisor/CAO