

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

Subject: Judgement/award, dated 11.05.2012 passed by the Hon'ble MACT, Leh, Ladakh in claim petition titled Tashi Lamo and Ors vs. State of J&K through DGP- sanction for drawal of award amount.

Reference: Legal/CP-12/S/2007/10249-52 dated 26.03.2024 of the Police Headquarters, J&K.

Government Order No.: 218 - Home of 2024
Dated: 17.05.2024

Whereas, on 15.12.2006, a police vehicle bearing Reg. No. JK02R-4633 driven by Shri Abdul Aziz, SPO No. 245/K of District Police, Kulgam met with a fatal accident at Kulgam, Kashmir resulting in death of Shri Rigzin Namgyal R/o Skindiyang, Khalsi Tehsil and District Leh, who was working as Head Constable in the Police Department; and

2. Whereas, the legal heirs of the deceased filed a claim petition in the Hon'ble Motor Accidents Claims Tribunal, Leh, Ladakh which came to be registered as *Tashi Lamo and others vs. State and others*, praying therein, inter-alia, for compensation to the tune of Rs. 86,99,100/-, in favour of the claimants, alongwith interest @ 18% per annum from the date of filing of the said claim petition, till the actual date of payment of the said amount; and

3. Whereas, the Hon'ble Tribunal upon consideration of the claim petition, vide its order dated 03.06.2009 awarded an interim compensation to the tune of Rs. 50,000/- alongwith interest @ 7.5% from the date of filing of petition till its realization. Accordingly, vide Government Order No. 63-Home of 2011 dated 21.01.2011, an interim compensation to the tune of Rs 50,000/- was sanctioned in favour of the claimants; and

4. Whereas the matter was contested by the respondents by way of filing objections and the Hon'ble Tribunal, framed issues for judicial determination and directed the parties to lead evidence. Upon consideration of the matter, the Hon'ble Tribunal vide its judgement/award dated 11.05.2012 awarded an amount of Rs. 20,52,380/- along with interest @ 6% from the date of award till the realization of the whole amount; and

5. Whereas, upon examination of the judgement/award *ibid*, in consultation with the Police Headquarters, J&K (PHQ) and the Department of Law, Justice and PA, it was decided to assail the judgement/award dated 11.05.2012 in the Hon'ble High Court of J&K and Ladakh at Srinagar and accordingly, an appeal bearing CMAM No. 199/2012 titled *State through Director General of Police vs. Tashi Lamo and Others* was filed in the Hon'ble High Court at Srinagar. Further, statutory amount to the tune of Rs. 25,000/- was also sanctioned vide Government order No. 1002-Home of 2012 dated 11.12.2012

read with corrigendum dated 13.12.2012 for filing of the appeal against the order ibid passed by the Hon'ble MACT, Leh, Ladakh in the aforcitiled claim petition ; and

6. Whereas, the Hon'ble High Court upon consideration of the appeal on 05.11.2013 directed the appellants to deposit the entire award amount in the Registry of the Hon'ble High Court, as a condition for grant of stay of the award passed by the Hon'ble MACT Leh, Ladakh. The direction for deposition of the awarded amount was reiterated by the Hon'ble High Court in the orders dated 08.07.2015 and 23.03.2021 passed in the above appeal; and

7. Whereas, in view of Reorganization of the erstwhile State of J&K into the Union Territory of J&K and Union Territory of Ladakh and given the fact that the claim petition had been filed in the Hon'ble MACT Leh/Ladakh, the matter, after consultation with the Department of Law, Justice and PA, was referred to the UT of Ladakh vide Home department's communication 12.01.2022 for further appropriate action in the matter; and

8. Whereas, vide communication dated 10.03.2022, the Home Department, UT of Ladakh intimated that the matter pertains to the UT of J&K, as the offending vehicle belongs to the UT of J&K. The matter was further examined in consultation with the Department of Law, Justice and PA, in light of the response furnished by the UT of Ladakh. The Department of Law, Justice and PA vide its U.O No. Law-LITS-573-2021-10, dated 22.04.2022 conveyed the following opinion to the Home Department:

" Returned: "The interpretation given by the UT of Ladakh depicts the correct legal position. As such, department is advised to proceed ahead in terms of the said letter dated 10.03.2022 issued by the Home Department, UT of Ladakh."

9. Whereas, subsequent to the above, the PHQ vide its communication dated 23.06.2022 submitted a proposal for accord of sanction to the drawl of an award amount to the tune of Rs. 37,40,713/- including interest @ 6% on the awarded amount upto 20.06.2022 (20,52,380 main award amount +16,88,333 interest amount). Upon examination of the matter in the Home department, vide Govt. order No. 298 of 2022 dated 17.08.2022, sanction was accorded for drawl of an amount of Rs.20,52,380/- in favour of the DGP, J&K, as an award amount for depositing the same in the Registry of the Hon'ble High Court at Srinagar; and

10. Whereas, the PHQ vide communications dated 18.03.2023 and dated 29.05.2023 conveyed that the Hon'ble High Court vide its judgment dated 02.02.2023 has dismissed the instant appeal CMAM No. 199/2012 filed against the judgement/award dated 11.05.2012 passed by the MACT Leh/Ladakh. The PHQ further conveyed that there is little scope to agitate the matter before the next higher forum and challenging the same may not yield any fruitful results; and

11. Whereas, while the matter was under examination, the PHQ, vide communication dated 26.03.2024 furnished a revised calculation sheet prepared in the matter and requested that balance amount of Rs. 11,52,751/-, instead of Rs. 16,88,333/- be sanctioned/ released in the instant matter, so that same could be deposited in the Ld. MACT, Leh well in time.

12. Now, therefore, in pursuance of the judgment/award dated 11.05.2012 passed by the Hon'ble Motor Accidents Claims Tribunal, Leh, Ladakh in claim petition titled *Tashi*

Lamo and others vs. State and others read with judgement dated 02.02.2023 passed by the Hon'ble High Court of J&K & Ladakh at Srinagar in appeal titled CMAM No. 199/2012 titled *State through DGP vs. Tashi Lamo and others*, sanction is hereby accorded to the drawl of an amount of Rs. 11,52,751/- (Eleven lac fifty two thousand seven hundred and fifty one only) by the Director General of Police, J&K, Srinagar in claim petition titled *State of J&K through DGP vs Tashi Lamo and others* as 'Award Amount' under Major Head 2055-Police, Detailed Head '633' "Compensation" during financial year 2024-25 enabling him to deposit the said amount in the Registry of the Hon'ble High Court at Srinagar.

13. 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/3/2021-09-HOME

Dated: 17.05.2024

Copy to the:

1. Advisor to Hon'ble Lieutenant Governor, Union Territory of Ladakh (Home/Finance).
2. Director General of Police, J&K, Srinagar.
3. Principal Secretary to the Government, Finance Department J&K.
4. Principal Accountant General, J&K, Srinagar.
5. Secretary to the Government, Department of Law, Justice & PA.
6. Sh. Mohsin-UI-Qadri, Sr. AAG, Hon'ble High Court at Srinagar.
7. Treasury Officer, Civil Secretariat, Treasury.
8. Financial Advisor/CAO, PHQ for information and necessary action.
9. I/c Website, Home Department
10. Government Orders file.(w.2.s.c.).

(Manav Gupta)

Financial Advisor/CAO

17/5/24