

IN THE COURT OF DIVISIONAL COMMISSIONER,
JAMMU

Present:- Dr. Raghav Langer, IAS

<u>File No.</u>	<u>Date of Institution</u>	<u>Date of Decision</u>
63/Revision 2018-19	20.09.2018	11-09-2021

1. Harinder Singh.

2. Inderpaul Singh.

Both sons of Sujjan Singh R/o H.No 1349, Sector 7/7, Nanak
Nagar, Jammu.

3. Manmohan Singh S/o Gurbachan Singh

4. Ujjal Kour Wd/o Gurbachan Singh

Both residents of H.No 1523, Sector 13, Nanak Nagar, Jammu.

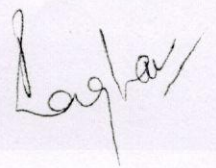
..Appellant

Versus

Charan Singh S/o Jagat Singh R/o H.No-58, Dogra Hall, Jammu

A/p E. 178, Sainik Colony, Jammu.

...Respondents



IN THE MATTER OF :-

Petition for initiation of legal proceedings against respondent for obtaining compensation under PMDP Rehabilitation of 1947 dishonestly and fraudulently leaving aside the petitioners and thereby caused colossal loss to the petitioners economically.

Appearing Counsel:-

Advocate Dara Singh for the appellant.

Advocate S.M Choudhary for the respondent.

J U D G M E N T

The present appeal has been filed by the appellant for initiation of legal proceedings against respondent for obtaining compensation under PMDP Rehabilitation of 1947 dishonestly and fraudulently leaving aside the petitioners and thereby caused colossal loss to the petitioners economically. The assertions contained in the petition are:

1. That the petitioners as well as the respondent are basically DPs of 1947 from POK.
2. That the father of the respondent namely Jagat Singh S/o Hari Singh, now deceased was head of the family migrated from Bagla Tehsil Muzzafrabad.
3. That Column 2 of the Form-A of Jagat Singh, son of Hari Singh shows the family strength of the family as Jagat Singh, Mann

Jagat Singh

Kour, Gurha Singh real name Gurbachan Singh, Sardool Singh, Sujjan Singh, Kaki Kalla, Kaki Kour. Actually, the relationship of Jagat Singh with Gurbachan Singh alias Gurhan Singh, Sardool Singh and Sujjan Singh were of brothers and not of sons. One thing is clear from the perusal of the Form-A that he had not filed form-A with clean hands though he signed on the Form-A in Punjabi.

4. That Loan Ledger mentions the name of Jagat Singh (himself), Mann Kour(Wife), Sujjan Singh, brother 15 years, Gurbachan Singh alias Gurhan Singh, 10 years and Charan Singh, son of Jagat Singh, 3 years. This is vivid from the perusal of the Loan Ledger. Both Sujjan Singh and Gurbachan Singh were minors at that point of time and now both are dead.
5. That Jagat Singh head of the family filed Form of Declaration to wash off the name of Sujjan Singh and Gurbachan Singh alias Gurhan Singh in order to dislodge them from the family.
6. That when the petitioner came to know about the secret plan of Charan Singh to get compensation under PMDP Rehabilitation of 1947, only in his favour, knowing very well that family of the petitioners have also got share in it, Harinder Singh, son of Sujjan Singh approached the office of PRO, Jammu on 01-05-2017 for not releasing the installment of compensation in favour of the respondent, Subsequently Harvinder Kour, wife of Harinder Singh and Narmmeet Kour, wife of Inderpaul Singh, also approached the office of PRO for not realizing the compensation in favour of the respondent through application dated 01-06-2017; subsequently two files of Harvinder Singh & Ujjal Kour enclosed with file of Charan Singh on 16-10-2017. The PRO's office assured the

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petitioners that compensation shall not be released in favour of the respondent but despite that compensation was credited in his bank account on 04-07-2017 and resultantly now the petitioners are approaching to this office for getting justice and their legitimate share of the released payment.

On presentation of the appeal, respondent was put to notice, respondent appeared through his Counsel before this Court. After completion of processes, the case was put to arguments.

Ld. Counsels, for the petitioner put forth his oral arguments, which are in line with the memo of the appeal.

Held:

I have applied thoughtful consideration to the whole matter, examined the record and attentively heard the Ld. Counsel for the petitioner, it emerges that the nature of the case is such that the entire matter requires an insightful judicial determination.

From the perusal of the record, it transpires that the present appeal is for initiation of legal proceedings against respondent for obtaining compensation under PMDP Rehabilitation of 1947 dishonestly and fraudulently leaving aside the petitioners and thereby caused colossal loss to the petitioners economically. *The Ministry of Home Affairs, Government of India (FFR Division), New Delhi dated 22-12-2016 clarified that the said scheme is implemented and monitored under the Chairmanship of Additional Secretary In-Charge of FFR Division with suitable members from IFD/CCA(Home) and any other member as may be decided will monitor the implementation of the scheme. Similarly, a Committee at the level of the concerned Divisional Commissioner with representatives of the Provincial Rehabilitation Office(PRO)/concerned Deputy Commissioner and other suitable*

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members as may be decided by the State Government shall monitor the disbursement of the State share of the financial assistance at the District Level.

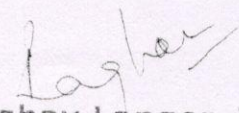
Moreover, the Ld. Counsel for the appellant could not satisfy this Court under which Act or Section, he has approached before this Court for grant of relief. This Court has ample power to settle the appeal under Section 11 of Land Revenue Act which clearly states that: "appeal shall lie from an original or appellate order of a Revenue Officer to the Divisional Commissioner, when the order is made by a Collector."

There is no provision for appeal in the said Financial Assistance Scheme of the Ministry of Home Affairs, Government of India for Displaced persons and as such, the present appeal is not maintainable. However, in view of certain issues raised by the petitioner, in the instant petition/complaint, i.e. copy of loan ledger, Electoral roll, Alif form etc annexed with the petition/complaint; the copy of the said petition/complaint in original is forwarded to Provincial Rehabilitation Officer, Jammu for disposal as per scheme guidelines/norms.

Accordingly, the appeal is dismissed. Interim directions, passed if any, by this Court shall stand vacated. Let an shadow file be prepared and consigned to record after due completion.

Announced

11-09-2021


**Dr. Raghav Langer, IAS,
Divisional Commissioner,
Jammu.**