



DECISION

Complaint No.:

POS/140/2023/RM-02/N-05

Name and address
of the complainant :

Mr. Rehmatullah,
R/o. H.No.171, Pak Colony,
Mirpurkhas.

Name of the Agency
Complained against :

Home Department, Government of Sindh, Karachi

Name & Designation of
Investigating Officer :

Muhammad Naseer Jamali, Advisor-N

Subject :-

**COMPLAINT AGAINST INORDINATE DELAY IN
PAYMENT OF COMPENSATION OF RS.500,000/-
EACH TO THE LEGAL HEIRS OF PERSONS WHO
DIED IN THE INCIDENT OF FIRE IN TEZGAM
TRAIN IN THE YEAR 2019**

Complapint

Mr. Rehmatullah and 07 others filed separate complaints dated 04.01.2023 wherein they stated that Tezgam train caught fire while crossing district Rahim Yar Khan on 31.10.2019. Due to the fire incident, 74 persons died, out of which, the legal heirs of 41 deceased persons belonging to Mirpurkhas district have been paid a compensation of Rs.500,000/- each as announced by the Hon'ble Chief Minister Sindh. The 08 persons were initially missing in the count as their bodies were completely burnt. The Divisional Medical Officer, Pakistan Railway Multan confirmed the death of these 08 persons vide report dated 26.11.2019. The Postal Life Insurance Department also made a payment of Rs.1.5 million each to the legal heirs of these 08 deceased persons in pursuance of decision of Federal Ombudsman dated 16.09.2022.

2. The Deputy Commissioner, Mirpurkhas had recommended to the Home Department through Commissioner, Mirpurkhas vide letter dated 28.11.2019 for the payment of compensation to the legal heirs of these eight victims of fire incidence but the compensation has not been paid so far. As a result, following eight (8) complainants have approached this Institutions for redressal of their grievance.

<u>Complaint No.</u>	<u>Victim/deceased</u>	<u>Complaint filed by</u>
1. POS/140/2023/RM-02	Orangzeb	Rehmatullah (Father)
2. POS/141/2023/RM-03	Yasir Ali	Muhammad Tarique (Brother)
3. POS/142/2023/RM-04	Jan Muhammad	Allahano (Father)
4. POS/153/2023/RM-05	Adil	Mehmood (Brother)
5. POS/154/2023/RM-06	Aijaz Ahmed	Faizullah Memon (Nephew)
6. POS/233/2023/RM-07	Saif-ur-Rehman	Habib-ur-Rehman (Father)
7. POS/234/2023/RM-08	Muhammad Iqbal	Sabira widow
8. POS/256/2023/RM-12	Muhammad Javed	Muhammad Shahid (Brother)

Proceedings

3. The complaints were admitted u/s 10 of the Establishment of the office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date), subject to submission of mandatory Affidavit on Form "A" and other relevant documents and by condoning the delay.

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4. This office issued notice dated 17.01.2023 to the Commissioner Mirpurkhas Division for report, who in response informed vide letter dated 20.01.2023 that the case has already been forwarded to the Home Department for provision of compensation to the legal heirs of the victims.

5. The matter was taken up with the Secretary, Home Department vide letter dated 23.01.2023, followed by reminders but no response was received. This office issued Summons for the attendance of Section Officer (Police-II), Home Department vide dated 08.08.2023 and 02.01.2024. The Section Officer (Police-II) attended hearing on 19.01.2024 and was advised to submit report on the subject complaints. He submitted his report vide letter dated 03.04.2024 that the competent authority has desired to move a summary to the Hon'ble Chief Minister Sindh for payment of compensation as announced by the C.M. Sindh.

6. The case was heard on various dates. The Section Officer (Police-II) informed during the hearings on 08.05.2024, 22.08.2024, 24.09.2024 and 10.10.2024 that the summary for Hon'ble Chief Minister Sindh is under process. During the hearings, the complainants produced the report of Railway Department, the decision of Federal Ombudsman dated 16.09.2022 wherein directions were issued to the Postal Life Insurance for payment of compensation of Rs.1.5 million for each victim within a period of 60 days and the copies of 08 cheques dated 15.11.2022 issued in favour of legal heirs of the victims. The payment of compensation for these 08 victims has already been recommended to the Home Department by Deputy Commissioner, Mirpurkhas district and Commissioner Mirpurkhas Division after proper enquiry/verification of each case.

Findings

7. The documentary evidence placed on record has established that the claim of the complainants for payment of compensation of Rs.500,000/- in each case to the legal heirs of these 08 persons who had died in the fire incident of Tezgam train on 31.10.2019 is genuine and they deserve to be compensated by the same amount as paid to the legal heirs of other victims of same fire incidence.

Decision

8. In view of the above and in exercise of powers vested in me under Section-11 of Establishment of the Office of Ombudsman for the Province of Sindh Act 1991 (amended upto date), I, hereby direct the Additional Chief Secretary, Home Department, Government of Sindh to consider the case of the complainants favourably and ensure payment of Rs.500,000/- each to the legal heirs of the subject eight (8) victims of the Tezgam fire incident, as per announcement made by the Hon'ble Chief Minister Sindh. The compliance of this order shall be intimated by Additional Chief Secretary, Home Department, in 45 days.

Given under my hand and seal of office.



(MUHAMMAD SOHAIL RAJPUT)
Sitara-e-Imtiaz. PAS
Ombudsman Sindh

Karachi, the 29th October, 2024