

Court No. - 40

Case :- WRIT - C No. - 31953 of 2023

Petitioner :- Smt. Krishna Singh

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Sudhanshu Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri Devesh Vikram, learned Additional Chief Standing Counsel for the State-respondents.

2. Present writ petition is preferred under Article 226 of Constitution of India with request to issue a writ, order or direction in the nature of mandamus directing the respondents to release the ex-gratia compensation of Rs.50 lacs to the petitioner in pursuance of the Government order dated 11.04.2020 in lieu of death of her husband Sri Vijay Bahadur Singh, Head Constable U.P. Police due to Covid-19 while performing public duties and engaged in ensuring the Covid-19 protocol within some stipulated time.

3. Earlier the matter was taken up on 19.9.2023 and on the said date the Court had proceeded to pass following order:-

"1. The matter relates to ex-gratia compensation.

2. At the very outset, Sri R.M.Upadhyay, learned Additional Chief Standing Counsel has placed the detailed instructions dated 18.9.2023 sent by the Deputy Commissioner of Police Headquarter Commissionerate Prayagraj, which is taken on record. On the basis of instructions, he submits that the matter is ceased before the State Government and some breathing time may be accorded so that fate of the said proceeding may be apprised on the next date of listing. On his request, the case is passed over for the day.

3. Put up this matter on 9.10.2023 as fresh. Needless to say, the claim of the petitioner must be processed on or before the next date of listing."

4. Learned Additional Chief Standing Counsel submits that adequate information has already been sent to the concerned authority through e-mail on 21.9.2023 and the instructions are still awaited. He submits that further time may be accorded so that the order dated 19.9.2023 may be complied with.

5. Per contra, learned counsel for the petitioner states that the issue in hand is already settled by the Division Bench vide order dated 3.10.2023 in Writ C No.32178 of 2023 (**Smt. Champa Devi vs. State of U.P. and others**), wherein

similarly situated incumbents have already been given the benefit in the light of the Government Order dated 11.4.2020. In the present matter, the competent authority vide order dated 14.11.2022 has already made recommendation for according ex-gratia payment in favour of legal heirs of late Vijay Bahadur Singh, Head Constable (husband of the petitioner) and Surendra Kumar, Jail Warder, Naini, Prayagraj, whereas the ex-gratia payment has been made to the dependents of late Sri Surendra Kumar but inspite of the aforesaid recommendation, the respondents have not taken any remedial measures for according ex-gratia payment to the petitioner till date. He has confined his prayer that the writ petition may be disposed of in the light of judgement in Smt. Champa Devi (supra).

6. Considering the facts and circumstances, we are of the view that no useful purpose would be served in keeping the present writ petition pending consideration and dispose of the writ petition in terms of our order dated 3.10.2023 passed in Smt. Champa Devi (supra).

Order Date :- 2.11.2023

Manish Himwan