

Court No. - 8

Case :- WRIT - A No. - 3809 of 2023

Petitioner :- Kiran Devi

Respondent :- State Of U.P Thru. Its Prin. Secy Home Deptt Civil
Sectt Lko And Another

Counsel for Petitioner :- Dharmendra Kumar Misra

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Shri Dharmendra Kumar Misra, learned counsel for petitioner and Shri Vikash Singh, learned Standing Counsel appearing for the State-respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"i. issue a writ, order or direction in the nature of mandamus thereby commanding and directing the opposite parties to decide the representation dated 10.11.2022 regarding payment of 18% interest on the ex gratia amount (Anugrah Rashi) of Rs. 10 lacs by the opposite party no.1 (Annexure No.5).

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3. The petitioner's husband, namely-Shiv Sahay was employed as Head Constable in Civil Police was on official duty in Panchayat elections and he died on 12.12.2015.

4. The petitioner had earlier approached this Court by filing writ petition being Writ Petition No.24414 (S/S) of 2017 (Kiran Devi vs. State of U.P. and Others) impugning the order dated 18.08.2017 by which the claim of the petitioner for granting her *ex gratia* amount on death of her husband was rejected. The petitioner in the said writ petition not only prayed for *ex gratia* amount but also prayed for interest on the *ex gratia* amount. The said writ petition was finally decided on 09.12.2020. This Court directed the State Government to pay the *ex gratia* amount of Rs.10,00,000/- to the petitioner within a period of two months from the date of production of certified copy of that order. However, no direction was issued for making payment of interest on the *ex gratia* amount of Rs.10,00,000/-.

5. Admittedly, the petitioner was paid Rs.10,00,000/- as *ex gratia* amount. As this Court did not give any direction in its judgment and

order dated 09.12.2020 for giving any interest on the *ex gratia* amount despite the prayer, State has not paid any interest.

6. This is the second writ petition filed by the petitioner claiming interest on the *ex gratia* amount. This Court finds that the prayer for interest on the *ex gratia* amount is not maintainable, in view of the fact that this Court vide judgment and order dated 09.12.2020 did not grant any interest on the *ex gratia* amount and only Rs.10,00,000/- was paid to the petitioner as *ex gratia* amount in compliance of the said judgment and order dated 09.12.2020.

7. Considering the facts and submissions made on behalf of the parties, I find no substance in the present petition inasmuch as the prayer in the present petition for interest on *ex gratia* amount is barred by principle of *res judicata*.

8. In view thereof, the present petition is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 22.5.2023

Piyush/-