

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.A. No. 3 of 2024

State of Manipur & 3 Ors.

... Appellants

- Versus -

N.S. Ningchangba @ Ningchangba Ningshen

... Respondent

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU**

O R D E R

04.03.2025

[D. Krishnakumar, CJ]

[1] Heard Mr. S. Nepolean, learned senior counsel assisted by Mr. W. Niranjit, learned Deputy Government Advocate appearing for the appellants and Ms. Sirawon, learned counsel appearing for the respondent.

[2] The present appeal has been filed against the order of the Writ Court by directing the appellant to pay a sum of Rs. 1,00,000/- (Rupees one lakh) as ex-gratia to the respondent herein.

[3] The learned senior counsel appearing for the appellants submits that the petitioner/respondent herein filed the writ petition for payment of compensation for a sum of Rs. 15,27,060/- (Rupees fifteen lakh twenty seven thousand and sixty) and a sum of Rs. 2,00,000/- (Rupees two lakh) as ex-gratia for the death of the husband of the petitioner due to electrocution after retirement from service. According to the prayer made in the said writ petition,

the writ petition was considered by the Writ Court without taking contentions of the appellant. The Writ Court directed the respondent to pay a sum of Rs. 1,00,000/- (Rupees one lakh) as ex-gratia to the respondent herein. The learned senior counsel appearing for the appellant submits that counter affidavit has been filed before the Writ Court. In the aforesaid counter affidavit, at para No. 9 of the same, it has been mentioned the appellant has paid the compensation amount of Rs. 3,30,000/- (Rupees three lakh and thirty thousand) on humanitarian ground in the month of April, 2017 as detailed under :

- (i) Rs. 1,40,000/- (Rupees one lakh and forty thousand) only from the then Executive Director (Tech), MSPDCL.
- (ii) Rs. 1,00,000/- (Rupees one lakh) only from the then Executive Director (Tech), MSPDCL.
- (iii) Rs. 90,000/- (Rupees ninety thousand) only from the staff of MSPDCL.

[5] The learned senior counsel appearing for the appellant submits that a sum of Rs. 3,30,000/- (Rupees three lakh and thirty thousand) only has already been paid as compensation to the respondents as per the Government order. However, the Ld. Single Judge without taking the statement made in the affidavit of the appellant. Further, it was directed to pay a sum of Rs. 1,00,000/- (Rupees one lakh) to the respondents herein. In such circumstances, the learned senior counsel seeks for setting aside of the order of the Writ Court.

[6] Heard the learned counsel appearing for both parties and we have also perused the materials on record.

[7] The learned senior counsel appearing for the appellants submits that at the time of the accident, ex-gratia in case of death was Rs. 1,00,000/- (Rupees one lakh) vide Govt. Order No. 25/4/05-Power dated 26.07.2014 and it was revised in year 2018 vide Govt. Order No. 25/4/2005-Power Dated 07.03.2018. As per the new regulation, the quantum of payment of ex-gratia in case of death is Rs. 2,00,000/- (Rupees two lakh) only. The deceased was electrocuted on 20.04.2017 and subsequent order was passed in the year 2018. Even though it is prospective in nature, considering the facts and circumstances of the case, it may not be any serious objection for payment of the aforesaid amount of Rs. 2,00,000/- (Rupees two lakh) as ex-gratia to the respondents herein.

[8] Further, in addition to the submission made by the learned senior counsel appearing for the appellant, excess payment of Rs. 1,30,000/- (Rupees one lakh and thirty thousand) was made to the respondents on humanitarian ground at the time of death of the husband of the petitioner, for the reason, he was a retired employee under the appellant.

[9] Therefore, the Ld. Single Judge has not duly considered the submission made by the appellant, in their averment in the affidavit-in-opposition filed by the appellant. The learned senior counsel for appellant submits that they are entitled only for Rs. 2,00,000/- (Rupees two lakh) as ex-gratia compensation amount, payable to the person who died at the time of accident. Further, the respondent/appellant also paid excess payment of Rs. 1,30,000/- (Rupees one lakh and thirty thousand) to the respondents herein. In such circumstances, no other material is placed before this Court for seeking

further a sum of Rs. 1,00,000/- as ex-gratia compensation to the respondents. Hence, there is some force on the contention of the appellants.

[10] In such circumstance, we accept the contention of the appellant stating that the appellant had already made payment of Rs. 3,30,000/- (Rupees three lakh and thirty thousand) to the respondents including ex-gratia amount of Rs. 2,00,000/- (Rupees two lakh). Therefore, the direction of the Writ Court to pay additional amount of Rs. 1,00,000/- (Rupees one lakh) will not be entitled for the respondent and accordingly, the above direction for payment of further amount is liable to be set aside.

[11] In line, the impugned order of the Writ Court is set aside and consequently, the present writ appeal stands allowed.

JUDGE

CHIEF JUSTICE

Bipin