

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13553 of 2012

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Meera Devi W/O Late Manohar Singh R/O Vill-Baltara, P.O.-Gogari, Distt-Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department Of Natural Disaster Management Government of Bihar, Patna
2. The Secretary, Department Of Labour Government of Bihar, Patna
3. The District Magistrate, Khagaria
4. The Additional Collector, Khagaria
5. The Sub-Divisional Officer, Gogari, Khagaria
6. The Circle Officer, Gogari, Distt-Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BISHWESHWAR RAM

For the Respondent/s : Mr. AVNISH NANDAN SINHA GP11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 01-12-2015

Heard Mr. Ram for the petitioner and the counsel for the State.

Counter affidavit(s) as well as supplementary counter affidavit have been filed on behalf of the parties. No rejoinder to the supplementary counter affidavit has been filed by the petitioner.

The writ application seeks a direction upon the respondents to grant her ex-gratia payment as her husband died on 04.06.2008 due to thunder-bolt. The said claim has been raised on the strength of a communication issued in the Department of Relief and Rehabilitation, Govt. of Bihar (Annexure-4).

In the supplementary counter affidavit, the respondents

have brought on record the amended policy decision of the State called as Scheme for Constitution and Administration of the Calamity Relief Fund 2005-2010 issued by the government in the department of Ministry of Finance. Clause 3 thereof reads as under:-

“3. The CRF shall be used only for meeting the expenditure for providing immediate relief to the victims of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloud burst and pest attack.”

It has been submitted on behalf of the State that the victim of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloud burst and pest attack are specified circumstances in which if deaths have caused to the citizens, the calamity relief fund can be utilized under the Scheme in question. Unfortunately, the husband of the petitioner died in the year 2008 when the said Scheme was not in vogue. The petitioner has therefore no legal claim/right for compensation under the extraordinary and discretionary writ jurisdiction of the Court.

Having appreciated the rival submissions, this Court finds that an order for grant of ex-gratia payment cannot be issued in favour of the petitioner until such claim is founded on any such scheme formulated by the government.

Seen thus, while declining the relief the petitioner is granted liberty to seek appropriate relief before the appropriate

forum/authority, if so advised, in accordance with law.

The application stands disposed of.

(Kishore Kumar Mandal, J)

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