

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14809 of 2012

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Ramkali Devi W/O Late Ram Bharos Singh Resident Of Village- Gokhula,
P.S- Banjaria, District- East Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar, Through the Home Secretary, Bihar Patna.
2. The Director General of Police, Bihar, Patna.
3. The Director General of Bihar Home Guard Police
4. The District Magistrate, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Dwivedi

For the Respondent/s : Mr. Prahlad Kr. Bhagat GP-13

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 04-12-2015 Heard counsel for the petitioner and the State.

A counter affidavit has been filed on behalf of
the State-respondent.

The husband of the petitioner was employed as
Homeguard Constable. While on duty to maintain law and
order when the election was to be held, he died of cardiac
arrest on 05.02.2005. The widow made a claim for
payment of Anugrah Anudan(ex-gratia).

In the counter affidavit, it has been stated that
the said claim of the petitioner was considered by the
Director General of Bihar, Homeguard and a sum of Rs.
60,000/- was sanctioned and paid to the writ petitioner as



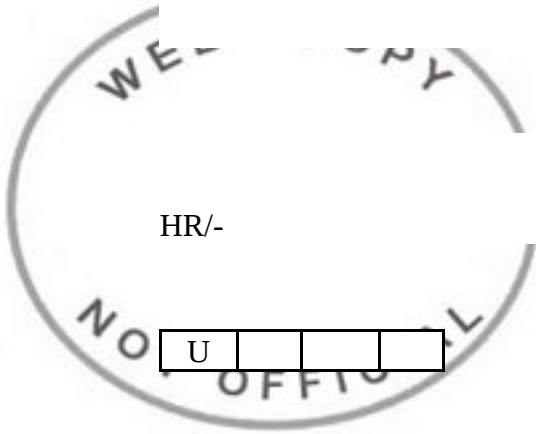
ex-gratia payment. Having received the amount she did not raise any grievance for enhancement of compensation/ex-gratia payment. After expiry of several years, the present writ petition has been filed seeking a direction upon the respondents to pay adequate compensation/ex-gratia to the petitioner as her husband died during election. In the counter affidavit, the respondents have stated that the death of the husband of the petitioner had not caused in course of election duty. He was given the normal duty of maintaining law and order during the election. While fast asleep he suffered cardiac arrest and died. It is not the case where death was due to arduous/strenuous job assigned to the husband of the petitioner in actual discharge of election duty.

Having considered the statements made in the counter affidavit and also considering the fact that the writ application has been filed after undue/inordinate delay for which there is no explanation, I am not inclined to invoke discretionary writ jurisdiction of the Court.

The application is dismissed.

Dismissal of the application shall, however, not preclude the petitioner from ventilating her grievance(s)

before the appropriate forum/authority in accordance with law.



(Kishore Kumar Mandal, J)