

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10594 of 2014

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Mostt. Manju Devi Wife of Late Kameshwar Jha, R/o Village + Post Radhaur, P.S. Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary-cum-the Chief Election Officer, Bihar, Patna.
3. The Deputy Chief Election Officer, Bihar, Patna.
4. The District Magistrate-cum-District Election Officer, Sitamarhi.
5. The Deputy Election Officer Incharge, Sitamarhi.
6. The District Commandant, Bihar Home Guard, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh & Mr. Arun Kumar, Advocates
For the State	:	Mr. J. K. Roy, S.C. 13
For the E.C.I.	:	Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-12-2016

Heard learned counsel for the parties.

The petitioner has moved the Court seeking quashing of Letter No. 3239 dated 03.06.2013, issued by the respondent no. 3, by which compensation for death of the petitioner's husband has been refused.

Learned counsel for the petitioner submitted that her husband was drafted for election duty on 21.10.2010 and on 22.10.2010, he took command and thereafter at night when he had gone to a nearby place to collect his bicycle, upon him not returning, when people went looking for him, his dead body was found, which revealed that he was shot dead. Learned counsel submitted that under



a Government policy dated 01.04.2009 relating to personnel connected with election duty who die or are injured while performing duty related to elections, the husband of the petitioner having died in connection with election work, she is also entitled to get the amount. Learned counsel submitted that there was a recommendation from the Commandant of the late husband of the petitioner, who was himself a Home Guard personnel, but still the authorities have not made payment of ex-gratia and in fact have rejected the claim on a non est ground.

Learned counsel for such proposition has relied upon two decisions of the co-ordinate Bench of this Court in the cases of **Madan Kumar Singh v. State of Bihar** reported as **2007 (1) PLJR 806** and **Jagmato Devi v. State of Bihar** reported as **2007(1) PLJR 808**, which has been affirmed by the Division Bench in the judgment reported as **2007(2) PLJR 550**, in the case of **Chief Electoral Officer v. Jagmato Devi**.

Learned counsel for the respondents, who have filed the counter affidavit, submitted that there was no connection with the death to the election work and, thus, the Government policy not covering such contingency, the ex-gratia payment has rightly been denied to the petitioner.

Having considered the rival contentions, the Court



does not find any merit in the present writ application. The undisputed position is that, after receiving his command, though for election duty, the husband of the petitioner had gone to collect his bicycle and was shot dead. Nothing has come or can be presumed that he was shot dead in connection with any election duty or related to election work. In the cases referred by learned counsel for the petitioner, the person had died either while on way to duty or returning after getting the election done and in the case of **Jagmato Devi** (supra), the person was killed and his service revolver looted on the date of polling. Thus, on facts, the said cases and the present case has no comparison.

Accordingly, the writ application stands dismissed.

However, dismissal of the present writ application shall not come in the way of the petitioner from moving before the appropriate forum for claiming any benefit/compensation/relief as may be due to her under any policy/scheme of the Central/ State Government, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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