

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17148 of 2012

Mosmat Vimla Devi W/O Late Arunjay Mandal R/O Village- Fatehpur, Post- Fatehpur, Sub-Division- Jhajha, P.S.- Jhajha, District- Jamui (Bihar)

.... Petitioner/s

Versus

1. The Union of India through Chief Secretary Home Affairs, New Delhi
2. The Central Election Commission through Chairman, New Delhi
3. The State Of Bihar
4. The Election Commission, Bihar, Patna
5. The Chief Secretary, Bihar, Patna
6. The Principal Secretary, Home Affairs, Bihar, Patna
7. The District Magistrate, Jamui
8. The District Panchayati Raj Officer, Jamui, Bihar
9. The Block Development Officer, Jhajha District, Jamui, Bihar

.... Respondent/s

Appearance :

For the Petitioner/s :	Mr. ASHOK KUMAR
For the Union of India	Mr. S.D. Sanjay, ASC
	Mr. Ram Anurag Singh,CGC
For the State	Mr. Amiya Kunal, AC to AAG 10
For the Commission	Mr. Amit Srivastava
	Mr. Girijesh Pandey

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 16-03-2016

Heard the counsel for the petitioner, the Union of India, the State as well as the Station Election Commission (for short ‘the Commission’).

The husband of the petitioner was engaged by the respondent- Commission in the Panchayat election held in the State of Bihar in the year 2011. Her husband was the driver of one of the vehicles requisitioned by the Commission or its officers. The vehicle became the target of the extremist attack (landmine blast) by a group of extremists called Maoist in which he lost his life. The respondent paid a sum of Rs. 25,000/- to the family of the deceased as

help/assistance and subsequently a sum of Rs. one lakh was also sanctioned and paid to the deceased's family on 05.10.2012.

The contention of the petitioner is that she is entitled to payment of a sum of Rs. three lakh. In this connection, she has relied on Annexure-A to the counter affidavit filed on behalf of respondent no.9.

The Union of India was called upon to file a counter affidavit. Paragraph 4 to 6 of the counter affidavit of the Union of India reads as under:-

“4. That Most. Vimla Devi filed a writ petition no. 17148/2012 in the Hon'ble Patna High Court to made payment of compensation a suitable government job and pension and rehabilitation benefit to her whose husband Arunjay Mandal, who died on 15.05.2011 due to land mines blast caused by Mao wadi terrorist during election duty for carrying polling officers team No. 12 from Block Sono Sarehabad, Panchayat to polling booth in election, conducted in May, 2011 by his Magic pick van. The petitioner is widow of deceased Arunjay Mandal.

5. That the Government of India is administering a scheme titled 'Central Scheme for Assistance to Civilian Victims of Terrorist/Communal/Naxal violence, for providing assistance for the sustenance and maintenance of the families of the civilian victims of terrorist/communal/naxal violence. The said scheme is effective from 01.04.2008 in respect of terrorist and communal violence and from 22.06.2009 in respect of cases of naxal violence. Under the Central Scheme, in deserving cases, a financial assistance of Rs. 3 lakhs is given for each death or permanent incapacitation case(disability of 50% or above) to the affected family subject to the condition that no employment has been provided to any of the family members of the victim.

6. That as per the revised guidelines on the said



Central Scheme issued by the Ministry vide letter No. 11044/11/2011-VTV dated 29.06.2012, the payment of assistance to the Victims/Next of kin of victims of Terrorist Violence shall be paid by the District Magistrate/Deputy Commissioner and thereafter, the State Government shall submit the proposals to the Ministry of Home Affairs for re-imbursement. The Central Government will make 70% payment immediately and balance 30% after receipt of audit verification report by the Internal Audit Wing of MHA.”

On going through diverse materials placed on record including the instructions issued by the Ministry of Home Affairs (Annexure-A to the counter affidavit of respondent no.1), it appears that the petitioner is entitled to payment of Rs. three lakh as assistance/help on account of death of her husband in terrorist/naxal violence on certain conditions. The payment of assistance has to be sanctioned and made by the District Magistrate/Deputy Commissioner of the concerned district and the claim for reimbursement thereof is to be filed before the Central Government.

Considering the above, the writ application is disposed of by directing the respondent District Magistrate, Jamui to examine the claim of the petitioner in the light of the statements made in the counter affidavit of the respondent Union of India and the instruction attached thereto and if the petitioner qualifies for payment of sum of Rs. three lakh(inclusive of what already paid), the same shall be sanctioned and paid to the petitioner and thereafter steps shall be taken by him for reimbursement of the amount by the Central Government in the concerned Ministry through the State Government.

Once such an application in this regard is filed by the petitioner, the respondent District Magistrate shall take appropriate decision as indicated hereinabove within a maximum period of 03 months from the date of such filing.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--