

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 251 of 2016**

Smt. Amrika Bai Sahu W/o Late Vijay Ram Sahu Aged About 49 Years R/o Sonapara, Rajnandgaon, Chhattisgarh Presently Working As Peon, Forest Office Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Raipur, Distt. Raipur (Chhattisgarh)
2. Chief Conservator Of Forest, Government Of Chhattisgarh Jail Road Raipur (Chhattisgarh)
3. Additional Chief Conservator Of Forest, (Adm/Non-gazetted) Raipur (Chhattisgarh)
4. Conservator Of Forest, Durg Circle, District Durg (Chhattisgarh)

---- Respondents

For Appellant : Shri Ashok Patil, Advocate.

For Respondents/State : Shri Yashwant Singh Thakur, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Sanjay K. Agrawal, J.

Judgment on Board**Per Deepak Gupta, Chief Justice****13/06/2016**

1. Though the delay is of six months, for the reasons stated in the application, the delay in filing the writ appeal is condoned.
2. With the consent of the parties, the appeal is taken up for hearing on admission today itself.
3. The Appellant allegedly lost her husband in a brutal attack made by Naxalite on 29.4.1994. She was paid compensation of Rs. 1 Lac as per the then policy of State of Madhya Pradesh. Thereafter on 29.9.1999 vide notification No.F-25-41-99 PWC-IV the provisions of the Madhya Pradesh Police Personnel Extraordinary Family Pension Rules, 1965 were amended and compensation payable to the next kin of Police Personnel who died in Naxalite violence was enhanced from Rs. 1 Lac to 5 Lacs.

4. The Appellant filed a writ petition on 19.12.2008 more than 14 years after she lost her husband claiming that she be paid an amount of Rs. 5 Lacs as per amended policy. The State of Chhattisgarh was carved out of State of Madhya Pradesh on 1.11.2000. It has been urged that now the compensation payable is Rs. 12 Lacs w.e.f. 2.7.2013. It is therefore urged that the compensation to the claimant should be enhanced.

5. On behalf of the State it is disputed that the husband of the Appellant died as a result of Naxalite violence. It is not necessary to answer the said submission in view of the judgment being passed.

6. The Learned Single Judge held that the rights of the Appellant were governed by the policy which was in force at the time when her husband was killed due to Naxalite violence. The Learned Single Judge also rejected the petition on the ground that it had been filed more than 14 years after the death of her husband and it was highly belated.

7. It is not disputed that the State of Madhya Pradesh paid an amount of Rs. 1 Lac as per the existing policy to the Appellant in the year 1996 itself. The new policy came into force in the year 1999. By that time, the Appellant had already been paid what was due to her and the enhancement of the compensation made in the year 1999 cannot be given retrospective effect by this Court. The Appellant also sat over her rights, if any for at least 9 years after 1999 till 2008 and the petition is also highly belated.

8. Therefore, we find no merit in the appeal. It is accordingly dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay K. Agrawal)
JUDGE