

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM:

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.621 of 2016

M.Vasuki
W/o.Late Murugan,
Main Road, Pugaipatti and Post,
Ulundurpet Taluk,
Villupuram District - 607 202

...Petitioner

Vs

1. Union of India,
Rep by the Secretary,
Ministry of Law and Justice,
Legislative Department,
New Delhi.

2. The State of Tamilnadu,
Represented by the Chief Election Commissioner,
and Secretary to Government,
Public (Elections) Department,
St.George Fort,
Secretariat, Chennai 600 009.

3. The Secretary,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi 110 001.

4. The Chief Election Officer,
Election Commission of Tamilnadu,
No.208/2, Jawaharlal Nehru Street,
Arumbakkam,
Chennai 600 106

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd Respondent to pay ex-gratia compensation to the death of the petitioner's husband who died while doing election duty in the light of Letter dated 25.04.2015 issued by the 3rd Respondent in Letter No.218/6/2014/EPS within a time frame.

For Petitioner : Mr.K.Thilageswaran
For Respondents 1 and 3 : Ms.S.Meenakumari, CGSC
For Respondents 2 and 4 : Mr.V.Jayaprakash Narayanan
Special Government Pleader.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The Writ Petition is filed for issuing direction to the second respondent to pay ex-gratia compensation for the death of the petitioner's husband on 19.04.2014.

3. It is the case of the petitioner that her husband viz., Murugan, who was working as Head Constable in Edaikkal Police Station, Villupuram District was deputed for Lok Sabha Election duty held in the month of April 2014. While on duty, he died on 19.04.2014 due to a road accident.

4. The petitioner would further state that she is entitled for payment of ex-gratia compensation as per the circular issued by the third respondent dated 25.04.2014. Since the amount was not paid, the petitioner made a representation to the respondents on 08.10.2015. The fourth respondent has forwarded the said representation to the second respondent for necessary action. So far, no order has been passed. Hence, she has come up with the present Writ Petition.

5. Heard the submissions of Mr.K.Thilageswaran, learned counsel appearing for the petitioner, Ms.Meenakumari, CGSC, learned counsel appearing for the first respondent and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing on behalf of the respondents 2 and 4.

6. The learned counsel for the first respondent submitted that as per the circular issued by the third respondent dated 25.04.2014, the expenditure on account of payment of ex-gratia compensation to the Polling Personnel will be wholly borne by the Government of India during Lok Sabha Elections and such payment shall be made by the State Government initially and thereafter the claims shall be made to the Government of India. If any such claim is made by the State Government, the first respondent will take appropriate action, before that the second respondent has to make such payment.

7. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the second respondent to

consider the representation of the petitioner dated 08.10.2015 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Union of India,
Ministry of Law and Justice,
Legislative Department,
New Delhi.
2. The Chief Election Commissioner,
The State of Tamilnadu,
and Secretary to Government,
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No.208/2, Jawaharlal Nehru Street,
Arumbakkam,
Chennai 600 106

+1cc to M/S.S.Meenakumari, Advocate, S.R.No.3112
+1cc to the Government Pleader, S.R.No.3023

W.P.No.621 of 2016

rsy(CO)
srg(28/01/2016)