

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.300 of 2015

Date of decision: 26.4.2016

Kamaljeet Kaur & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. HS Baath, Advocate,
for the petitioners.

Mr. Nikhil K. Chopra, Addl.A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. Reply by way of affidavit filed on behalf of respondents 1 to 3 is taken on record. The claim in this petition is for compensation on the death the breadwinner while on duty fighting robbers.
2. In the reply, it has been disclosed that the husband of petitioner-1 was not killed at the hands of anti-social elements but the death occurred when some miscreants were found eve teasing two girls which lead to a situation of exchange of fire between the wrongdoers and the police party.
3. The State Government guarantees payment of Rs.10 lacs as ex-gratia grants on the death of Government employees in cases where death occurs in performance of duty while dealing with riots, terrorist attack or enemy action. On the showing of the petitioners themselves the death of husband of petitioner-1 occurred as a result of exchange of gun

fire warding off bad elements while he was on duty with the Superintendent of Police (Detective) trying to save the honour of two ladies in distress; which occurrence had led to the shoot out in which the official succumbed to his injuries.

4. The incident relied on to stake claim to a sum of Rs.10 lacs as compensation though unfortunate, does not, to my mind, fall within the teeth of Clause (c) of the instructions dated 13.10.2010 (Annex. P-7) since neither of the three conditions precedent enumerated therein to claim the higher amount are involved or arise in this case. The Court is not in a position to add a fourth situation. Hence the claim is not tenable. As a result, there is found no substance in the petition warranting intervention and the same is hereby ordered to stand dismissed without costs.

(RAJIV NARAIN RAINA)
JUDGE

26.4.2016
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