

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1206 of 2015

IN

Civil Writ Jurisdiction Case No. 15622 of 2006

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Most. Prabha Devi, Wife of Late Kamta Prasad, Resident of Village- Kadi Bigaha,
P.O.- Bhagan Bigaha, P.S.- Rahui, District- Nalanda

.... Petitioner / Appellant

Versus

1. The State of Bihar.
2. The Chief Election Officer, Bihar-cum-Secretary to the Government, Cabinet (Election) Department, 7, Mangla Road, Bihar, Patna-800015.
3. The District Election Officer-Cum-District Magistrate, Nalanda.
4. The Additional Collector (Nuxal)-Cum-Senior Officer Election, Nalanda.
5. The Deputy Election Officer, District Election Cell, Nalanda.
6. The General Manager, District Industry Centre, Nalanda at Biharsharif

.... Respondents / Respondents.

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Appearance:

For the Appellant/s : Mr. Satish Chandra Mishra, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, G.A. 9.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 09-08-2017

Heard counsel for the appellant and counsel for the
State.

The impugned order dated 29.04.2015 has been
challenged in appeal because the learned Single Judge dismissed the
Writ Application and refused to give any direction for *ex-gratia*
payment to the appellant due to death of her husband, who was
supposed to be engrafted for election work.

Besides the fact which has been talked about where it is



evident that the husband of the petitioner was not on election duty and the ex-gratia to the tune of rupees ten lacs is only provided, provided death happens to a government employee during the election due to violence during the course of election and the bodily injury he may have suffered which became the cause of death. In the present case, even if the affidavit of the appellant is accepted that her husband went for training which was being conducted in the district and it was during that period that he died due to illness suffered by him, the object and purpose of grant of *ex-gratia* cannot be expanded to include case of death by natural causes. When the death happened there was no election on, therefore, the learned Single Judge rightly dismissed the Writ Application and even the appeal, therefore, is required to be dismissed being devoid of merit.

Accordingly, the appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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