

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18833 of 2008

Mostt. Shakuntala Kuwar, wife of late Binod Kumar Singh, resident of village Hamidpur, P.S. Rajapati Kothi, P.S. – Baikunthpur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar,
 2. The Chief Commandant Home Guard, Bihar, Patna
 3. The Director General of Home Guard, Bihar, Patna
 4. The Director General of Police, Bihar, Patna
 5. The Deputy Inspector General (Personnel) Bihar, Patna
 6. The Deputy Inspector General of Police, Saran at Chapra
 7. The District Magistrate, Gopalganj,
 8. The Superintendent of Police, Gopalganj,
 9. The Officer Incharge, Mohammadpur Police Station, Distt- Gopalganj
- Respondent/s

Appearance :

For the Petitioner/s : Mr. NARESH PRASAD I

For the Respondent/s : Mr. (SC6)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date: 19-01-2017

The present writ application has been preferred for a direction to the respondents to make payment of compensation amount as well as ex-gratia amount to the petitioner since her husband late Binod Kumar Singh, Home Guard No. 4158 died while on duty, in an accident while crossing road.

The factual matrix unveils that the husband of the petitioner late Binod Kumar Singh was Home Guard Constable No. 4158 and was on deputation in Mohammadpur Police station as reserved force. On 27.10.1999 at about 9.30 P.M. he was run over by Tata 407 vehicle in front of Mohammadpur Police station which is situated on NH 28. The husband of the petitioner was taken to Sadar Hospital, Gopalganj, where during the course of treatment he died on



28.10.1999. Thereafter, the petitioner presented several representations for payment of compensation and ex-gratia amount in view of the miserable condition of the family and the petitioner having four minor children.

It is submitted by learned counsel for the petitioner that in view of the letter no. 4255 dated 17.10.2001 issued under the signature of Chief Commandant, Home Guard, Patna to all the District Magistrates referring to the letter no. 6-14021/15/99 D.G.C.D.(H.G.) dated 4.4.1981 issued by the Ministry of Home, Government as well as the letter no. M/H.G.501/2000-328 dated 13.4.2000 issued by the Government of Bihar, the Home Guards, who receive injury or die, while on duty or training, they are entitled to all the benefits conferred to the police personnel and the cost of the said benefits will be borne by the Department where the Home Guard was deputed. Hence, in the present case, the Department of Home, Government of Bihar is liable to make payment of compensation and ex-gratia amount.

It is submitted by learned counsel for the respondent-state that the husband of the petitioner died on 28.10.1999 whereas the writ application was preferred in 2008, after an undue delay of nine long years. The writ application does not suggest that any representation claiming compensation or ex-gratia amount was made before the concerned authority in view of the letter of the Chief Commandant, Home Guard, Bihar, Patna as contained in Annexure 1.



Though the petitioner has claimed in the writ application for payment of compensation / ex gratia amount but the application forwarded by the Deputy Inspector General (Personnel), Bihar, Patna to the Chief Commandant, Home Guard, Bihar, Patna dated 5.12.2000, as contained in Annexure 2, reflects that the petitioner claims appointment on compassionate ground.

Considering the rival submissions of the parties, the writ application is disposed of with liberty to the petitioner to file appropriate representation in view of the letters issued by the Home Ministry, Government of India and respondent State, referred to in Annexure 1 before the appropriate authority within four weeks of receipt of this order and it is expected that the appropriate authority will dispose of the same within a period of eight weeks from the date of the filing of the said representation.

(Dinesh Kumar Singh, J)

Anil/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.4.2017
Transmission Date	NA

