

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2091 of 2016

In
Civil Writ Jurisdiction Case No.3535 of 2014

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Dharmsheela Devi W/o Late Kishor Kuma Ram, resident of village-
Devariya Gandhi Tola P.S- KOilwar District Bhojpur.

... .. Appellant

Versus

1. The State of Bihar Through Chief Secretary, Bihar Patna.
2. Director General Police, Bihar Patna.
3. Inspector General of Police, Patna Range Patna.
4. Deputy Inspector general of Police Labour, Bihar patna
5. Deputy Inspector General of Police(Admininstration) Bihar, Patna.
6. Superintendent of Police, Rohtas, District- Rohtas
7. Deputy Inspector General, of Police,Shahabad, Range, Dehri-on-sone Rohtas.
8. Principal secretary Finance Department ,Bihar, Patna.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha
For the Respondent/s : Mr. PRABHAT KUMAR VERMA- AAG3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 15-01-2018

Heard learned counsel for the appellant and counsel for the State.

The intra-Court appeal has been preferred by the appellant because her writ application has been dismissed by the learned single Judge refusing to give a direction for grant of enhanced compensation of Rs.10 lakhs instead of Rs.2.50 lakhs, which was paid to her in the year 2004, on primarily two grounds that since death did not happen as a fall out of extremist violence and second that the claim for such enhancement was rejected in the year 2008



but the writ application was preferred in the year 2014 wherein the principles of laches and delay will come into play.

Submission of the counsel for the appellant is that in terms of the circular issued by the State Government from time to time, especially the 1997 and 2001, the circular talks in terms of extremist violence and other violence, therefore, the benefit cannot be restricted by reading the circulars to mean only extremist violence and no other case of violence.

Counsel for the State, however, relying on Circular No.7976 dated 23.11.2001, emphatically submits that the previous circulars stood partially modified and explained. The claim of Rs. 10 lakhs compensation is only required to be given to such government servant or police personnel who lay down their life because of an extremist violence. For other kind of deaths during performance of duty, compensation is allowed of Rs.2.50 lakhs only.

From the narration of facts, what emerges is that the husband of the appellant was one of the police personnel deployed to clear a road blockade, which turned violent and due to injury sustained during that violence, the appellant's husband died.

From perusal of the circular and the incident in question we also agree with the rationale of the learned single Judge that it was not a case where a direction should be issued for payment of



compensation of Rs. 10 lakhs. The appellant had already been paid compensation of Rs.2.50 lakhs as was in vogue in the year when the incident happened.

If we were satisfied with the bonafide of the claim of the appellant for payment of Rs.10 lakhs on the interpretation of the circulars, the delay in preferring the writ application would not have come in the way, but since the appellant has failed to make out a case for a direction for payment of Rs.10 lakhs, even the delay and laches will come into play.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	17.01.2018
Transmission Date	N/A

