

\$~27.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1130/2018**

RAMVATI DEVI

..... Petitioner

Through: Ms. Jyoti Singh, Sr. Advocate with
Mr.Himanshu S., Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Manish Mohan, CGSC with
Mr.Jitendra Kr. Tripathi, Mr. Shubham Mundhir
and Mr. Vipul Agrawal, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **07.02.2018**

1. The present petition has been filed by the petitioner praying *inter alia* that she be granted a sum of Rs.10 lakh towards *ex-gratia* payment in view of the death of her son, Ct. Sudesh Kumar, who had expired on 19.01.2011, while on duty.

2. Ms. Singh, Senior Advocate appearing for the petitioner submits that the petitioner's son had joined CISF in the year 1995. On 09.01.2011, while on his way from his official residence to his place of duty at Dehradun, he had suffered a massive heart attack. An inquiry was conducted into the circumstances of the death of the petitioner's son. The Court of enquiry had declared that the petitioner's son had expired due to a cardiac arrest.

3. It is stated that all the death benefits have been released by the respondents in favour of the petitioner but when she submitted a representation in the year 2015, seeking *ex-gratia* lump sum amount of Rs.10 lakh, the respondents did not take any decision and keep the same

pending. Thereafter, the petitioner adopted the RTI route to know the status of the representation, which was denied to her vide reply dated 29.06.2016, on the ground that the said information cannot be provided to her as CISF being an Armed Force, is exempted from providing such information. Thereafter, the petitioner submitted another representation dated 03.05.2017 to the respondents for payment of *ex-gratia* compensation, which has also not been replied to. Hence, the present petition.

4. Issue notice.

5. Learned counsel for respondents accepts notice and assures the Court that the petitioner's pending representation dated 03.05.2017 shall be considered and an speaking order shall be passed under written intimation to her within four weeks.

6. In view of the submissions made by the learned counsel for the respondents, the petition is disposed of. It is directed that while passing an order, the Competent Authority shall take into consideration the view expressed by the Division Bench in the judgment dated 27.05.2015 in **W.P. (C) No.3527/2017** entitled Ram Devi Vs. Director General, BSF & Ors., relied upon by the counsel for the petitioner, a copy whereof has been furnished to the other side.

HIMA KOHLI, J

PRATIBHA RANI, J

FEBRUARY 07, 2018

na/rkb

W.P.(C) 1130/2018

Page 2 of 2