

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.7159 of 2022
(Through Hybrid mode)

Bidulata Jena

....

Petitioner

Mr. B.K.Nayak, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A.K.Sharma, Addl. Govt. Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
30.03.2022

Order No.

- 01.** 1. Mr. Nayak, learned advocate appears on behalf of petitioner, who is widow of a person died by snakebite on 28th July, 2014. He submits, impugned is communication dated 1st September, 2020, in which following was said.

“I am directed to inform you that in pursuance of the order dt.28.02.2020 passed by the Hon’ble High Court of Orissa in W.P.(C) No.6337 of 2020, your representation as per Annexure-2 of the said writ petition for sanction of ex-gratia of Rs.1.50 lakh for the death of your husband Sudarshan Jena has been duly considered by the Special Relief Commissioner & Additional Chief Secretary, Disaster Management and the same has been rejected as snakebite (other than during flood) has been declared as a State Specific Disaster w.e.f. 1st April 2015 and there was no provision for payment of any ex-gratia for death due to snakebite (other than during flood) in our state prior to that period.”

2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and submits, the communication contains reason being that snakebite was declared to be a State Specific Disaster with effect from 1st April, 2015, prior to which there was no provision for payment to ex-gratia.

3. The Chambers Dictionary (12th Edition) gives meaning of ex-gratia to be, inter alia, an act of grace; given or made as a favour, not out of obligation. A person has died. On query from Court Mr. Nayak submits, the person was daily labourer. His wife is before the Court.

4. Matter of ex-gratia is with the State. Petitioner has liberty to produce this order before opposite party no.1 and pray for grace.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

RKS