



W.P.No.5634 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5634 of 2016

K.Mohan

...Petitioner

Vs.

1.Secretary to Government,
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.Director General of Police,
TamilNadu, Mylapore,
Chennai – 600 004.

3.Superintendent of Police,
Cuddalore District, Cuddalore.
..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.50,000/- as Ex-Gratia payment for the grievous injuries suffered by the petitioner while performing duty in the year 1999 as per Government orders in force as on date in view of the in-ordinate and un-explainable delay in payment of ex-gratia amount till 2015 to the petitioner.



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For Petitioner : Mr.N.Krishnakumar
For Mr.R.Saravanakumar

For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to pay a sum of Rs.50,000/- as Ex-Gratia payment for the grievous injuries suffered by the petitioner while performing duty in the year 1999 as per Government orders in force as on date in view of the inordinate and un-explainable delay in payment of ex-gratia amount till 2015 to the petitioner.

2. The petitioner suffered grievous injuries, while performing his duties and a Criminal Case was registered in Crime No.702 of 1999. The petitioner submitted an application for grant of Ex-Gratia payment as per the Government order issued in G.O.Ms.No.284, Home (Pol.12) Department dated 06.04.2009. As per the above Government order, the petitioner is eligible for a sum of Rs.50,000/- towards Ex-Gratia payment.



3. The learned Government Advocate appearing on behalf of the respondents made a submission that, no doubt, the petitioner suffered injuries and he is eligible for Ex-Gratia payment as per the Government orders. But, the petitioner sustained injuries in the year 1999 and the Government order prevailing during the relevant point of time was G.O.Ms.No.454, Home (Services-G) Department dated 17.03.1992 and as per the said Government order, a sum of Rs.5,000/- (Rupees Five Thousand only) towards Ex-Gratia payment was made to the writ petitioner and he had received the same. The petitioner is not eligible to avail the benefit of G.O.Ms.No.284, Home (Pol.12) Department dated 06.04.2009, since the said Government order was issued after 10 years from the date of accident occurred for the petitioner.

4. The petitioner suffered injuries in the year 1999. As on the said date, the petitioner was eligible for the Ex-Gratia payment of Rs.5,000/- (Rupees Five Thousand only), which was already paid to him. The enhanced Ex-Gratia payment of Rs.50,000/- implemented in G.O.Ms.No.284, Home (Pol.12) Department dated 06.04.2009 cannot be applied retrospectively to the case of the writ petitioner as the Government order was implemented



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with prospective effect. Therefore, the eligible Ex-Gratia payment had already been settled in favour of the writ petitioner and thus, no further consideration is required.

5. Accordingly, the writ petition stands dismissed. No costs.

07.11.2022

Index : Yes
Speaking order: Yes
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To

1. The Secretary to Government,
Home Department,
Secretariat, Fort St. George,
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2. The Director General of Police,
TamilNadu, Mylapore,
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3. The Superintendent of Police,
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S.M.SUBRAMANIAM, J.

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