



WEB COPY



W.P.No.26678 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.26678 of 2019

S.Balasubramani

... Petitioner

-VS-

1. Union of India

Represented by its Secretary to the Government
Department of Home Affairs,
New Delhi

2. The Director General of Police,

O/O. Directorate General
CRPF, Block No.1,
CGO Complex, Lodhi Road,
New Delhi - 110 003

3. The Deputy Inspector General of Police,

Southern Sector CRPF,
Road No.10 C, Jubilee Hills,
Near MLA/MPs Colony, Gayathri Hills
Hyderabad - 500033

4. The Deputy Inspector General of Police

Group Centre, CRPF,
Chandrayangutta
Hyderabad - 500 005
Telengana

Respondents

...



W.P.No.26678 of 2019

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 14.08.2019 issued by the 4th respondent in proceedings No.J.II-18060/2014-Estt-(P/Cell) and quash the same, directing the respondents to grant compound interest on the ex-gratia lumpsum grant for the period from 2001 to 27/6/2019 and other related benefits viz., Death-cum-Retirement Gratuity and Group Personal Accident Insurance Scheme with interest to the petitioner on death of his brother S.Kumaresan due to falciparum malaria while on service.

For Petitioner : Mrs.R.Meenakshi

For Respondents : Mr.S.Mahesh
Central Govt. Standing Counsel

ORDER

This Writ Petition has been filed, challenging the order dated 14.08.2019 of the 4th respondent in Proceedings No.J.II-18060/2014-Estt-(P/Cell), by which, the request of the petitioner for grant of interest on the ex-gratia amount on death of his brother S.Kumaresan was negated. The petitioner also sought a direction, insisting for the said payment.



W.P.No.26678 of 2019

WEB COPY

2. It is the case of the petitioner that his younger brother, who was posted in the Office of the 4th respondent, was sent to Central Training College, Maharashtra, where he became prey to falciform malaria and after completion of the training period, his condition got further deteriorated and fell sick. It is further case of the petitioner that due to the said disease, his parents and younger brother passed away consecutively and he is the only surviving legal heir of the deceased younger brother. Though he demanded for a detailed enquiry over the death of his brother, the respondents did not heed to his request. Though the petitioner is entitled to receive the ex-gratia amount due to his deceased brother, who died in harness, the amount was not disbursed to him, which forced the petitioner to knock at the doors of this Court by filing a Writ Petition in W.P.No.18060 of 2014, which was allowed by this Court on 13.09.2017. Aggrieved by the said order, the respondents herein had filed W.A.No.470 of 2019, which came to be disposed of by the Division Bench of this Court, directing the respondent to pass orders disbursing the Ex-Gratia Lumpsum compensation to the petitioner.



W.P.No.26678 of 2019

WEB COPY

3. It is the grievance of the petitioner that though he was granted the ex-gratia amount of Rs.5,00,000/- by the respondents, there was no calculation of interest payable to him and there was a reply from the 4th respondent to the representation dated 19.07.2019 submitted by the petitioner that this Court had not granted any interest on the ex-gratia amount and the same cannot be granted. Hence, aggrieved by the said order, he is before this Court.

4. Learned Standing Counsel appearing for the respondents contended that the petitioner is also serving the CRPF and in the absence of any specific order or direction by this Court in respect of grant of interest on the ex-gratia compensation, the petitioner is not entitled to the said compensation and hence, there is no justification on the part of the petitioner to demand as a matter of right.

5. Heard the learned counsel for the parties.



W.P.No.26678 of 2019

WEB COPY

6. It is seen that the younger brother of the petitioner met with his demise on account of the contagious disease reportedly malaria and in the family of the petitioner, his parents and the younger brother died one by one, leaving behind the petitioner as the only surviving legal heir. Though he demanded for payment of ex-gratia amount from the respondents, it was initially denied by them and subsequently, based on the orders of the Court, the same was granted to him, but without interest. Therefore, he made a demand for payment of interest on the ex-gratia amount, the same was declined, by referring to the earlier Court order dated 13.09.2017 passed in W.P.No.18060 of 2014.

7. On a perusal of the order dated 13.09.2017, it could be seen that though the Petitioner sought for monetary benefits of his brother with interest, the Court granted only the principal amount to be paid as compensation without interest, which had been duly complied with by the respondents after dismissal of the Writ Appeal preferred by them. The



W.P.No.26678 of 2019

subsequent claim made by the petitioner for grant of interest was not adhere to on account of the fact that there was no mention about interest in the Court order.

8. The main reason for rejection of the claim of the petitioner by the 4th respondent was that no interest was granted by the Court and in that case, the petitioner ought to have immediately filed a Review or Clarification Petition to ascertain whether the ex-gratia amount bears interest or not. Previously, the Court had passed a detailed order and having failed to approach the Court for interest immediately, the Writ Petition filed on the same cause of action cannot be entertained. Hence, this Court is of the view that the petitioner is not entitled to the relief sought for.

9. Accordingly, this Writ Petition is dismissed. No costs.

22.12.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps



W.P.No.26678 of 2019

WEB COPY To:

1. The Secretary to the Government,
Union of India,
Department of Home Affairs,
New Delhi.
2. The Director General of Police,
O/o. Directorate General,
CRPF, Block No.1,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
3. The Deputy Inspector General of Police,
Southern Sector CRPF,
Road No.10 C, Jubilee Hills,
Near MLA/MPs Colony, Gayathri Hills
Hyderabad – 500 033.
4. The Deputy Inspector General of Police
Group Centre, CRPF,
Chandrayangutta,
Hyderabad - 500 005
Telengana



WEB COPY



W.P.No.26678 of 2019

V.BHAVANI SUBBAROYAN, J,

mps

W.P.No.26678 of 2019

22.12.2023