

D/L 38
21.03.2025
Court No.14
PRADIP

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 17320 of 2024

**Smt. Surama Mukherjee
Vs.
State of West Bengal & Ors.**

*Mr. Bidhyak Lahiri
Ms. Bhaswati Lahiri*

...for the Petitioner.

*Mr. Vimal Kumar Sahi
Ms. Reshma Chatterjee*

...for the State.

Mr. Anuran Samanta

...for the Respondent no.4.

Ms. Sandipan Das

...for the SEC.

1. Affidavit of service filed in Court today is taken on record.
2. Instruction forwarded by the District Election Officer, Kolkata South signed on 16th July, 2024 is also taken on record.
3. The petitioner is the widow of one Late Dipankar Mukherjee who was serving as surveyor and Executive Engineer of NH Planning and Design Division-III P.W. (Roads) Directorate.
4. The case made out by the widow is that her husband died due to Covid-19 while he was on election duty. Reliance has been placed on the memo of the Election Commission of India dated 10th April, 2019 modified vide memo dated 22nd July, 2020 wherein the Commission extended grant of compensation to the family of all

polling personnel in the event of death due to Covid during the process of election.

5. The petitioner has annexed the Office Order dated 29th December, 2020 in support of the submission that her husband was directed to report to the District Election Officer to act as First Polling Officer.
6. Death certificate has been annexed to the writ petition in support of the submission that, the husband of the petitioner expired because of Covid-19.
7. Prayer has been made by the petitioner for grant of compensation, but the same is yet to be disposed of.
8. Learned advocate representing the Election Commission of India submits that, the petitioner will not be eligible to receive the compensation as her husband did not expire during the process of election. The husband of the petitioner was directed to act as First Polling Officer but later on he was exempted from the polling duty.
9. There is nothing on record to suggest that, the husband of the petitioner attended the final training and performed election duty. The person concerned was admitted in Kolkata Medical College and Hospital on 10th April, 2021. It is the specific finding of the authority that, the husband of the petitioner did not expire while on election duty.
10. The respondent authorities have opined that the petitioner will not be entitled to receive the ex-gratia compensation.
11. Upon hearing the parties and on perusal of the materials on record, it is evident that, though the husband of the petitioner was directed to report for

training as the First Polling Officer but, thereafter, he was exempted from the election duty. He died later on.

12. The petitioner certainly cannot be said to be entitled to receive the compensation as prayed for as the death did not occur during election duty. The prayer of the petitioner cannot be allowed.

13. The writ petition fails and is hereby dismissed.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)