

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 4851 of 2023

Renu Devi Petitioner

Versus

1. The State of Jharkhand through Chief Secretary, Ranchi.
2. The Secretary, Department of Home, Government of Jharkhand, Ranchi.
3. The Deputy Commissioner, Garhwa.
4. The Superintendent of Police, Garhwa. Respondents

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioner : Mr. Bibhash Sinha, Advocate
 For the Resp-State : Mr. Chandan Tiwari, AC to GA-I

2/ 04.12.2023 Heard the parties.

2. The petitioner has approached this Court for grant of ex-gratia lump sum compensation to her in lieu of death of her husband in the light of Resolution contained in Memo No. 1192 dated 11.6.2011.

3. The facts of the case are that the husband of petitioner Late Hiramani Prasad working as Hawaldar in the Police Department was deployed with Ex-Member of Parliament as Bodyguard. While accompanying with the Ex-Member of Parliament in a Scorpio Car, the husband of the petitioner met with an accident, resulting his instantaneous death due to head injury, for which Balumath P.S. Case No. 145 of 2014 was also registered. It is specific case of the petitioner that though the death has been confirmed, FIR was lodged and thereafter investigation was made and the Superintendent of Police, Garhwa had made a strong recommendation by letter no. 668 dated 20.7.2022 for making payment of compensation in lieu of death of her husband, but no consideration was shown and hence, this writ petition.

4. Learned counsel appearing for the petitioner submits that several representations were made for making payment of ex-gratia amount in view of the Government circular dated 11.6.2011, but till date not a single penny has been paid to the petitioner, who is running from pillar to post for getting her legal rights for which she is entitled to.

5. Learned counsel appearing for the respondent submits that since no counter affidavit has been filed, he needs some time to seek instruction as to why the payment is not being made.

6. In the peculiar facts and circumstances of the case, where the

husband of the petitioner died in a road accident while accompanying with Ex-Member of Parliament and there is strong recommendation of Superintendent of Police, Garhwa to make payment of ex-gratia amount, instead of giving time to file counter affidavit to the respondents, I hereby direct the respondents to examine the case of the petitioner and if it is found that the case of the petitioner comes within the purview of the circular issued by the State Government dated 11.6.2011, the lump sum ex-gratia amount be extended to the petitioner within a period of eight weeks from the date of receipt of a production of a copy of this order.

7. It goes without saying that the Deputy Commissioner, Garhwa shall himself look into the matter, so that payment of ex-gratia shall be made to the petitioner within the aforesaid period.

8. With the aforesaid observations and directions, this writ petition stands disposed of.

(Dr. S. N. Pathak, J.)

R.Kr.