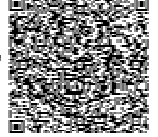


2025:PHHC:046227-DB

LPA-362-2025 (O&M)
Date of Decision: 04.04.2025

Smt. Sharda Devi

...Appellant

Vs.

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. R.A. Sheoran, Advocate for the appellant.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The present appeal assails the order passed by the learned Single Judge dated 19.09.2024, whereby the order of the authorities rejecting the claim the appellant claiming ex-gratia lump-sum compensation on account of death of her husband, was upheld.

2. Learned counsel submits that the learned Single Judge has erred in considering the Government of India letter dated 11.09.1998 as the appellant's case fall within four corners of said instructions which provides for grant of ex-gratia lump-sum compensation in cases where the death occurs due to accident during the course of performance of duties @ Rs.5 Lakh.

3. He submits that the learned Single Judge has erred in considering the case of the appellant with reference to Clause 5(c) which was not the case of the appellant at all.

4. We have considered the submissions.

5. Brief facts which need to be noticed are that the appellant's husband joined the services with CRPF on 30.08.1990 and was promoted to the post of Head Constable and posted in 55 Bn, CRPF, Tripura. On 17.08.2011, he was transferred from West Tripura to Nanded, Maharashtra. While being posted at Nanded, he went to his residence at Gurugram, when he suffered and contracted cerebral malaria resulting in his death on 27.08.2011.

6. The appellant filed representation claiming ex-gratia compensation on the ground that her husband had died in harness while on official duty. The respondents, however, refused the said claim.

7. We notice the office memorandum dated 11.09.1998, which provides in Clause 5 as under:-

“In supersession of all earlier orders issued by Government as well as by individual ministries and departments in so far as these relate to payment of an ex-gratia lumpsum compensation in certain specified circumstances the President is pleased to decide that families of Central Government Civil employees who die in harness in the performance of their bonafide official duties under various circumstances shall be paid the following ex gratia lumpsum compensation :-

<i>(a) Death occurring due to accidents in the course of performance of duties</i>	<i>Rs.5.00 Lakhs</i>
<i>(b) Death occurring in the course of performance of duties attributable to acts and violence by terrorists, anti-social elements etc.</i>	<i>Rs.5.00 lakhs</i>

<i>(c) Death occurring during (a) enemy action in international war or border skirmishes and (b) action against militaries, terrorists, extremists etc.</i>	Rs.7.50 lakhs
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8. If we look at three different specific circumstances, we find that the case of the appellant's husband does not fall within any of the aforesaid three specific circumstances neither it can be said that the death has occurred due to accident or is it attributable to acts of violence by terrorists, anti-social elements etc. nor has it occurred during any enemy action in intentional war or border skirmishes and action against militaries, terrorists, extremists etc. The death of-course has occurred on account of severe illness caused by cerebral malaria which does not fall within the four corners of specific circumstances noticed above, as such, ex-gratia compensation has been rightly denied by the authorities to the widow.

9. We, therefore, upheld the order passed by the authorities dated 01.09.2017 as also the order passed by the learned Single Judge dated 19.09.2024. The appeal is accordingly dismissed.

10. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

04.04.2025

rajesh

1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No