
(2020) 12 J&K CK 0013
In the Jammu And Kashmir High Court
Case No : Other Writ Petition No. 921 Of 2006

Amer Devi

APPELLANT

Vs

State Of J&K And Ors

RESPONDENT

Date of Decision : 24-12-2020

Acts Referred:

Citation : (2020) 12 J&K CK 0013

Hon'ble Judges : Sindhu Sharma, J

Bench : Single Bench

Advocate : Rakesh Sharma, F. A. Natnoo

Final Decision : Disposed Of

Judgement

1. Petitioner's husband-Swami Raj was serving as a Lineman in the Power Development Department. On 22.04.1996, while restoring electricity in Village Nashlaw, he suffered severe electric shock which resulted his death. His death due to electrocution was certified by the Assistant Surgeon, Primary Health Centre, Doda.
2. The petitioner thereafter approached the respondents for grant of ex-gratia relief as admissible to her in terms of Govt. Order No.273-PDD of 1994.
3. The Executive Engineer, M&RE Division, Doda/respondent No. 4 processed the case of the petitioner for grant of ex-gratia relief of Rs. 1,00,000/- as admissible in terms of Government Order No. 273-PDD of 1994 dated 19.10.1994. In this regard, the Superintendent Engineer, Maintenance & RE Circle III, Batote also vide his communication dated 02.01.1998 recommended the petitioner's case for allocation of the aforesaid amount for payment to the family of the deceased. The relevant portion of this

communication reads as under :-

â??In view of the reply furnished by the Executive Engineer Elect. Maint. & RE Division, Doda, it is recommended that an amount of Rs.1.00 lac as

admissible under Government Order No. 273-PDD of 1994 dated 19.10.94 may kindly be sanctioned in favour of the family of the deceased. Further

it is requested that an amount of Rs.1.00 lac may kindly be allotted to the Executive Engineer M&RE Division, Doda enabling him to make the

payment on account of ex-gratia relief.â??

4. The grievance of the petitioner is that despite requisite formalities being completed way back in terms of communications dated 05.08.1998,

14.10.1998 and 27.10.1998 and also in terms of the Government orders, the relief as prayed for has not been provided to the petitioner till date. The

petitioner has thus, no other efficacious remedy but to approach this Court for the grant of aforesaid relief.

5. This petition was admitted on 19.12.2006 when the notice was waived by the respondentsâ?? counsel and time was sought to file counter

affidavit. On 15.02.2007, again time was sought for filing of counter affidavit but the same has not been filed till date.

6. The respondents have admitted that in terms of Govt. order No. 273-PDD of 1994 dated 19.10.1994 an amount of Rs. 1.00 lakh was to be paid to

the petitioner on account of the death of her husband. The same was, however, not paid to her. Learned counsel for the respondents has placed on

record Govt. Order No. 328-PDD of 2011 dated 24.11.2011. In partial modification of Govt. Order No. 273-PDD of 1994 dated 19.10.1994 was

amended vide Govt. Order No. 25-PDD of 2011 dated 24.01.2011 and subsequently further amended vide Govt. Order No. 328- PDD of 2011 dated

24.11.2011.

7. Vide Govt. Order No. 273-PDD of 1994 dated 19.10.1994 and Govt. Order No. 25-PDD of 2011 dated 24.01.2011, a scheme for grant of ex-gratia

relief to Departmental and non-Departmental persons who are killed/grievously incapacitated due to electrocution caused by the negligence of the

Power Development Department was sanctioned with some details. The same, now stands amended vide Govt. Order NO. 328-PDD of 2011 dated

24.11.2011, and this scheme is applicable to the Departmental and non-Departmental persons. For facility of reference, S. No. 1 & 3 of the said order

is reproduced as under:

1: Coverage under the scheme:

The scheme shall be applicable to the following categories of departmental/Non-departmental persons and also the domestic animals:-

i) An employee of the PDD whether regular, daily rated/PDL/TDL or work charged of the executive cadre and also the casual laborer engaged in

generation, transformation or supply of electric energy in the Power Development Department who is killed or rendered incapacitated wholly or

partially, during the course of discharging of his bonafide and legitimate duties.

ii) who is killed or rendered incapacitated wholly or

iii) who is killed or rendered incapacitated wholly or

3: Rates of ex-gratia relief:

Subject to the fulfillment of prescribed conditions, the rates of ex-gratia relief shall, henceforth, be paid on the following rates:-Human beings:

i) In case of death= Rs. 3.00 lacs(Rs. Three lacs only)

ii) Total disability= Rs. 1.00 lac (Rs. One lac only)

iii) Partial disability= Rs. 30,000.00 (Rs Thirty thousand only)

8. The case of the petitioner squarely falls under the scheme as he died while

discharging his bonafide duty and in terms of the said order, the ex-

gratia relief available to the petitioner in case of death is Rs. 3,00,000/-. The petitioner is, thus, held entitled to grant ex-gratia relief as modified by the

Government vide Govt. Order No. 328-PDD of 2011 dated 24.11.2011(supra) and accordingly, entitled to receive a sum of Rs. 3,00,000/- on account

of death of her husband during the course of his bonafide and legitimate duty.

9. This petition is accordingly, allowed and the respondents are directed to release a sum of Rs.3,00,000/- in favour of the petitioner within a period of

two months from the date copy of this petition is made available to them by the petitioner.

10. Disposed of alongwith connected application(s).