

Geeta Devi Vs. State of Jharkhand and Ors

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Court : Jharkhand

Decided On : Jun-20-2017

Appellant : Geeta Devi

Respondent : State of Jharkhand and Ors

Advocate for Pet/Ap. : Mr. Rajesh Kumar

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S)No.2630 of 2008
Geeta Devi. ...Petitioner -Versus- 1. The State of Jharkhand.

2. Accountant General, Bihar/Jharkhand, Ranchi.

3. Addl. Secretary, Home Guard Department, Jharkhand, Ranchi.

4. Director General of Police cum Inspector General of Police, Jharkhand, Ranchi.

5. Inspector General of Police (Training), Jharkhand, Ranchi.

6. Deputy Inspector General of Police (Personnel), Jharkhand, Ranchi.

7. Superintendent of Police, B.M.P. Training Centre, Padma, District-Hazaribag.

...Respondents ----- CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

For the Petitioner: Mr. Rajesh Kumar, Advocate. For the Respondents: Mr. Rakesh Kumar Shahi, Advocate. ----- 07/ 20.06.2017 The petitioner has approached this Hon'ble Court with a prayer to pay compensation amount of Rs.2.5 lakh to the

petitioner which has been announced by the Inspector General of Police, Chotanagpur Region, Ranchi vide his order dated 25.8.2000 contained in memo No.1706 on account of death of her husband who died on election duty during 1999 Lok Sabha Election due to mine blast.

2. The factual exposition as has been delineated in the writ petition is that the petitioner's husband late Amresh Shukla was a constable and posted at B.M.P. Training Centre, Padma, District- Hazaribag and he was discharging his duty with utmost dedication, sincerity and honesty. As per the directives of the Central Government through the Chief Election Officer, New Delhi, the District Administration at Hazaribag deployed the petitioner's husband Amresh Shukla in the 1999 Lok Sabha Election duty in Barhi, District- Hazaribag to maintain law and order. The petitioner's husband was discharging his Election duty and while he was on duty on 18.09.1999 a mine blast took place at village Jeetpur near Barhi, District-Hazaribag in which the petitioner's husband lost his live due to the said mine blast.

3. It is the case of petitioner that after the death of petitioner's husband, the State Government through the Inspector General of Police, Chotanagpur Region, Ranchi vide his letter No.1152 dated 21.07.2000 sanctioned payment of compensation amount to the tune of Rs.2,50,000/- to the petitioner on account of death of her husband on election duty. The said order was communicated to the 2. petitioner by the Superintendent of Police, B.M.P. Training Centre, Padma Hazaribag vide District Order No.557/2000 dated 25.08.2000. As per the provisions of the Election Commission, the petitioner received the compensation amount of Rs.10,00,000/- (Ten lakhs) from the Central Government on account of death of her husband on election duty.

4. It is the case of the petitioner that he received the compensation amount of Rs.2,50,000/- as announced by the State Government vide Order dated 21.07.2000 contained in Memo No.152. However, the Superintendent of Police, B.M.P. Training Centre, Padma vide his memo No. 2162 dated 27.10.2000 asked the petitioner to refund the said compensation amount of Rs.2,50,000/- to the department on the plea that the same has been paid to her due to mistake.

5. It is the case of the petitioner that since the S.P., B.M.P. Training Centre, Padma has threatened for stoppage of all terminal benefits of her husband in case of non-refund of the compensation amount, the petitioner had to refund the compensation amount of Rs.2,50,000/- to the department and hence this writ petition has been preferred challenging the order of recovery of the amount of Rs.2,50,000/- given to the petitioner.

6. Mr. Rajesh Kumar, learned Counsel for the petitioner strenuously urges that petitioner is entitled for the said amount of Rs.2.5 lakh in addition to what he had already received i.e. Rs.10,00,000/- given to her by the Central Government.

7. Mr. Rajesh Kumar, learned Counsel for the petitioner argues that as the petitioner's husband was the employee of the State Government (a member of Bihar Military Police) worked as constable on account of his death in election duty he was fully entitled for compensation awarded by the State Government and that was to the tune of Rs.2.5 lakh there was no illegality in receiving the amount and only it was due to coercion the petitioner had refunded that amount and the respondent-authority had illegally and arbitrarily passed an order for recovery of that amount which is not tenable in the eyes of law and as such the amount should be immediately refunded to the petitioner which was given to her on account of death of her husband.

8. Mr. Rajesh Kumar, learned Counsel for the petitioner argues that there was no wrong in giving the amount of Rs.2.5 lakh in addition to what has been received earlier i.e. Rs. 10,00,000/- as 3. the petitioner is entitled for both the compensation.

9. Per contra counter-affidavit has been filed.

10. Mr. Rakesh Kumar Shahi J.C. to Mr. H.K.Mehta, A.A.G. draws the attention of the Court towards several counter-affidavits filed by the State Government.

11. Learned Counsel submits that amount illegally paid to the employees can be recovered at any point of time. Here it is not a case that petitioner was entitled for the same and illegal recovery has been made the said amount was paid due to the

mistake by the respondents and in view of that respondents are free to recover that amount.

12. Learned Counsel for the respondents Mr. Shahi submits that the petitioner has already received the amount of Rs.10,00,000/- given to her in the head of compensation. The petitioner is not entitled for receiving compensation both from the Central Government as well as from the State Government. Learned Counsel for the respondents draws the attention of the Court towards paragraph No.10 of the counter-affidavit filed on 1.11.2012 which is quoted hereunder:

10. That it is humbly submitted that in the light of the aforementioned Circular dated 15.02.2000, the Home Secretary, Govt. of Bihar vide letter No.721 dated 16.05.2000 issued a direction to the Director General & Inspector General of Police, Bihar that deceased Government employees, who died while discharging their respective duties in the last election of Parliament/Legislative Assembly and got Rs.10,00,000/- either as compensation or insurance amount, are not entitled to get the compensation amount of Rs.2.5 lakh from the State Government.

13. Be that as it may, in view of the aforesaid submissions and in view of the settled principles of law, guidelines and the circulars, this Court is of the view that there is no error committed by the respondents. There is no infirmity in the impugned order. The petitioner is entitled for the amount of Rs.10,00,000/- which he has already received. Any amount which has been given by mistake can be recovered at any point of time. There is no illegality or infirmity in making said recovery. I find no error in the impugned order.

14. Resultantly, this writ petition stands dismissed. [Dr.S.N.Pathak,J.] P.K.S.

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