

**Court No. - 21**

**Case :-** WRIT - C No. - 5042 of 2022

**Petitioner :-** Subhag Lali

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Satyvrat Tripathi

**Counsel for Respondent :-** C.S.C.,Kaushlesh Pratap Singh

**Hon'ble Saumitra Dayal Singh,J.**

**Hon'ble Dr. Yogendra Kumar Srivastava,J.**

Heard Sri Satyvrat Tripathi, learned counsel for the petitioner, Sri Kaushlesh Pratap Singh, learned counsel for Election Commission and learned Standing Counsel for the State respondents.

The claim made in the present petition is to ex-gratia compensation Rs. 30,00,000/- for the COVID death of Ram Bihari (husband of the petitioner) who performed election duty in the first, second and third phase of the Gram Panchayat Elections held in the month of April, 2021.

Prima facie, the claim made in the present petition appears well founded. The District Commandant Home Guards Chitrakoot, vide its communication dated 8th December, 2021 has duly certified the fact that the deceased Ram Bihari had performed election duty in the first and second phase of the Gram Panchayat Elections for which polling was held on 11.4.2021 and 26.4.2021. This fact is further corroborated from the duty payment muster roll (copy annexed as annexure 2 to the writ petition). Further perusal of the Government Order dated 1.6.2021 specifically Clause 12 makes it abundantly clear that the ex gratia payment on account of COVID death may be made in case where election duty may have been performed within thirty days from the occurrence of death. Undisputedly, Ram Bihari died of COVID on 29.04.2021 which fell well within the period of thirty days from the last election duty performed by the deceased even if it is assumed that the deceased did not perform duty in the third phase of the Gram Panchayat Elections.

In view of such facts, it is strange that the respondent State has not paid the ex gratia amount to the petitioner who has lost her husband and the sole bread earner of the family.

Accordingly, learned Standing Counsel may obtain specific written instructions as to why the ex-gratia amount has not been paid to the petitioner till date. It is left open to the respondents

to pay up the ex-gratia amount on or before the next date.

Put up this case on 18th April, as fresh.

If the claim made by the petitioner is to be declined, all documentary evidence being relied by the State may be produced on the next date along with the written instructions.

**Order Date :- 21.3.2022**

Pratima