

BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN

Present: Hon'ble Mr. Justice U.C. Dhyani

----- Chairman

Hon'ble Mr. A.S. Rawat

----- Vice Chairman (A)

CLAIM PETITION NO. 20/DB/2025

1. Mrs. Beena Devi, w/o Late Sub-Inspector Rajneesh Goswami, r/o Butol Village, Gabni Gaon, P.O. Chandrapuri, District Rudraprayag.
2. Mrs. Jagdish Devi, w/o Late Sri Parmanand Goswami, r/o Butol Village, Gabni Gaon, P.O. Chandrapuri, District Rudraprayag.

.....Petitioners

versus

1. The Secretary, Home, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. The Director General of Police, 12 Subhash Road, Police Headquarters, Uttarakhand, Dehradun.
3. Inspector General of Police, 12 Subhash Road, Police Headquarters, Uttarakhand, Dehradun.
4. Superintendent of Police, Chamoli, Police Office Gopeshwar, Chamoli, Uttarakhand.
5. Additional Superintendent of Police- Budget, Police Headquarters, Uttarakhand.

.....Respondents

Present: Ms. Anuoshka Rawat and Sri Hardik Rawat,
Advocates, for the Petitioners
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

Dated: 23rd September, 2025

Justice U.C. Dhyani (Oral)

By means of present claim petition, petitioners seek the following reliefs:

I. To quash and set aside the rejection letter dated 19.11.2024 issued by Respondent No.4, and the instructions dated 26.10.2024, issued by Respondent No.5, as they are arbitrary, illegal and contrary to the provisions of the superseding Government Order dated 17.10.2017.

II. To direct the Respondents to release the full ex-gratia amount of ₹15,00,000, along with interest at the rate of 6% per annum:

1. On the entire amount of ₹15,00,000 for the period from 13.04.2018 to 05.08.2019 (the date when the first partial payment of ₹5,00,000 was made).

2. On the balance amount of ₹10,00,000 for the period from 05.08.2019 until the date of actual payment, in accordance with the Government Order dated 17.10.2017 and the distribution scheme specified therein.

III. To award the costs of the petition in favour of the Claimants.

IV. To grant any other relief or direction deemed just and proper by this Hon'ble Tribunal to meet the ends of justice."

2. Claim petition is supported by the affidavits of both the petitioners. Relevant documents have been filed along with the petition.

3. Sub-Inspector Rajneesh Goswami, husband of Petitioner No. 1 and son of Petitioner No. 2, was posted at Joshimath Police Station, District Chamoli, went missing while on duty, on 19.09.2010. Sri Rajneesh Goswami was declared legally dead *vide* order dated 13.04.2018 passed by Civil Judge (SD), Rudraprayag.

3.1. An amount of Rs.05 lacs was approved by the Government as *ex-gratia* payment to Petitioner No.1, under the provisions of G.O. dated 20.10.2003. The *ex-gratia* payment was revised *vide* G.O. dated 17.10.2017 to Rs. 15 lacs from Rs.05 lacs, in respect to Police Personnel, who died during duty related incidents.

3.2. Petitioner No. 1 filed a representation on 09.10.2024 to Respondent No. 2 to release the enhanced *ex-gratia* payment in view of G.O. dated 17.10.2017, which (representation) was forwarded by Respondent No.2 to Respondent No.4, who rejected her representation *vide* order dated 19.11.2024.

4. Petition has been contested on behalf of respondents. Sri Amit Kumar, Deputy Superintendent of Police, Karnaprayag, District, Chamoli, Uttarakhand, has filed C.A. on behalf of Respondents No. 1 to 5. Documents have been filed in support of such Counter Affidavit.

5. Sri V.P. Devrani, learned A.P.O., relying upon the counter affidavit filed by Sri Amit Kumar, Dy. S.P., Karnaprayag, Chamoli, submitted that Sub-Inspector, Rajnish Goswami was posted at P.S., Joshimath, District Chamoli in the year 2009. He was the husband of petitioner no. 1, Smt. Veena Devi. During service, on 19.09.2010, two police personnel in official vehicle no. UK-11GA-0029, were coming back from Chinka to Joshimath. Due to excessive rain and road disruption, the vehicle fell into Alaknanda river. The incident was reported on 21.09.2010 at 07:30PM by SHO, Joshimath. Copy of G.D. dated 21.09.2010 has been filed in support thereof. It is admitted that the incident was reported on 21.09.2010. The official vehicle could not be traced. The body of Sub-Inspector Sri Rajnish Goswami was also not traced. Whereas the dead bodies of two other police personnel were found, the dead body of SI Rajnish Goswami was not found. A civil suit was filed in the Court of Civil Judge (S.D.), Rudraprayag (under Section 108 of Indian Evidence Act). In O.S. No. 59/2017, Smt. Beena Devi vs. State of Uttarakhand and others, SI Rajnish Goswami was declared dead. In other words, civil death of SI Rajnish Goswami was declared by learned Civil Judge (S.D.), Rudraprayag. At that time, G.O. dated 20.10.2003 was existing and on the basis of such G.O., *ex-gratia* payment was given to the wife of SI Rajnish Goswami. The G.O. dated 20.10.2003 was issued on the basis of G.O.s dated 06.02.1991, 15.01.1994, 03.12.1999 & 29.12.2000 of the erstwhile State of Uttar Pradesh. The *ex-gratia* payment was increased from Rs. 2,50,000/- to Rs. 5,00,000/-, which was applicable to the petitioner on the date of

incident. Accordingly, a sum of Rs. 5,00,000/-, as *ex-gratia* payment, was released to the wife of the deceased Sub-Inspector.

6. The G.O. No. 1157 dated 17.10.2017 was further issued by the Govt. of Uttarakhand, whereby the amount of *ex-gratia* payment was increased from Rs. 5,00,000/- to Rs. 15,00,000/-. The submission of learned A.P.O. is that the G.O. dated 17.10.2017 was issued subsequent to the death of Sub-Inspector Rajnish Goswami, therefore, it will apply only to future cases and not to an incident which occurred on 19.09.2010/ 21.09.2010.

7. Learned A.P.O further submitted that the incident was reported on 21.09.2010, G.O. dated 20.10.2003 was applicable at that point of time, therefore, subsequent G.O. No. 1157 dated 17.10.2017 will not be applicable to the present case. In the C.A., detailed facts have also been disclosed, which are repetition of the facts mentioned earlier.

8. Learned A.P.O. also submitted that it is a case of civil death. If *ex-gratia* payment has been released to the wife of the missing cop, the matter cannot be reopened for the sake of releasing enhanced *ex-gratia* payment.

9. Some of the facts, which are admitted to the respondents, are that the incident took place when SI Rajnish Goswami was in public employment, he was in service. His vehicle met with an accident during the course of employment. Whereas the dead bodies of other two police personnel were found, the dead body of SI Rajnish Goswami was never found. His dead body could not be traced. The incident was reported in police station concerned. There was an earlier G.O., which stipulated that a sum of Rs. 5,00,000/-, as *ex-gratia* payment, shall be released to the next of kin, which (G.O.) was subsequently amended to make *ex-gratia* payment of Rs. 15,00,000/-. Whereas the petitioners are claiming the benefit of amended G.O., the respondents maintain that the petitioners will not be governed by the subsequent G.O.

10. Documents have been filed in support of the case of the petitioners as well as the respondents. The facts are not in dispute.

11. In other words, factual matrix of the case remains undisputed. On facts, the case of the petitioners is almost admitted by the respondents. The only question, which arises for consideration of the Tribunal is -whether the petitioners are entitled to Rs. 5,00,000/- or they are entitled to the benefit of subsequent G.O. entitling them (wife as well as mother) to claim Rs. 15,00,000/- as *ex-gratia* payment. Rejoinder affidavit has been filed by the wife of the petitioner in support of her case.

12. Learned A.P.O. also submitted that those persons, whose dead bodies were found, their next of kin have been released Rs. 5,00,000/- each as *ex-gratia* payment. In response to the query of the Tribunal, learned A.P.O. submitted that the dead body of SI Rajnish Goswami was never found. This is the reason the widow of SI Rajnish Goswami was compelled to file declaratory suit in the court of competent jurisdiction at Rudraprayag. The facts of the case have been enumerated above. The only short question for consideration of the Tribunal is, whether the petitioners (widow and mother of the deceased) will be entitled to *ex-gratia* payment of Rs. 5,00,000/- which has already been released to the wife of the deceased or both of them jointly shall be entitled to Rs. 15,00,000/- as per their share apportioned in the G.O. itself?

13. Looking at the facts from the point of view of a common reasonable prudent person, the incident, as reported, might have taken place earlier but the fact of the matter is that the body of the deceased SI Rajnish Goswami was never found. The corpus of the deceased SI Rajnish Goswami was not traceable. The fact of the matter is that when his civil death was declared by the civil court, subsequent G.O. or amended G.O. had already seen the light of the day. Had SI Rajnish Goswami's dead body been found, he would have been given the same treatment which has been given to the next of kin of other two police personnel. But here, his case is different. His dead body was not found which compelled his wife to file civil suit for declaring his civil death. When civil death was declared by the court of competent jurisdiction, by the time, subsequent G.O. had already come. So in the humble opinion of the Tribunal, the case of the petitioners will be governed by the

subsequent G.O. which entitles the petitioners to receive a sum of Rs. 15,00,000/- as *ex-gratia* payment. It may be noted here that Rs. 5,00,000/- has already been released to the wife of the deceased, therefore, she should be entitled to get the balance amount which has been mentioned in the subsequent G.O. In addition, the mother of the deceased shall be entitled to get the *ex-gratia* payment which has been mentioned in the amended G.O. itself.

14. For understanding the controversy in question, one may like to discuss the problem from this own point of view. Whereas the incident in which the vehicle and the bodies of the police personnel fell into the Alaknand river and bodies of two police personnel were found, the body of SI Rajnish Goswami was not found then it is like *de facto* presumption that he died in such incident but since the dead body has not been found till date and the wife of SI Rajnish Goswami had to take recourse to civil court and the declaration was made after coming into force of the amended G.O., therefore, Civil Court's declaration is like *de jure* recognition of SI Rajnish Goswami's death. Whereas the incident, of which the FIR was reported, may be likened to *de facto* recognition, the declaration of death of SI Rajnish Goswami may be likened to *de jure* recognition and this fact, in the humble opinion of the Tribunal, goes in favour of the petitioners that the petitioners should be given benefit of amended G.O., which came first and police officer's civil death was declared later.

15. Two views were possible for argument's sake. One, the petitioner's case is covered by the earlier G.O., whose benefit was given to the next of kin of police personnel, whose dead bodies were found. The other view may be that since the body of SI Rajnish Goswami was not found and nothing could be said with certainty, therefore, SI Rajnish Goswami's wife had to go to civil court for declaration of SI Goswami's death so that legal consequences of his death may follow. Only when the civil court declared his civil death and by the time, the subsequent G.O. had seen the light of the day, therefore, petitioner's case should be covered by the subsequent G.O., whereby the *ex-gratia* payment has been enhanced. The Tribunal is of the view that these G.O.s are in the form of social welfare measures, which cover the incidents of natural

calamities and disaster and for that matter, no court can take a rigid view that the benefit of subsequent G.O. should not be given to next of kin of those who died during the course of employment in such incidents even if the benefit of first G.O. was given to the wife of SI Rajnish Goswami and she received the money.

16. The Tribunal, therefore, finds that the petitioners will be entitled to the benefit of subsequent G.O. dated 17.10.2017. The civil death was declared on 13.04.2018 (Annexure A:2) and G.O.s were issued earlier on 17.10.2017 and 17.01.2018 (Annexure:A4).

17. The next argument which has been advanced on behalf of the petitioners and vehemently denied by learned A.P.O. is on the point of interest on delayed payment of *ex-gratia* payment. Ms. Anushka Rawat, learned Counsel for the petitioners relied upon a decision rendered by Hon'ble High Court of Punjab and Haryana on 25.04.2023 in Poonam vs. Union of India to submit that the petitioners are entitled to interest on delayed payment of *ex-gratia* compensation. With all humility at the command of the Tribunal, it may be noted here that the said decision of Poonam (*supra*) related to *ex-gratia* lump sum compensation and extra ordinary family pension to the petitioner with interest as her husband died on active duty in General Reserve Engineer Force (GREF). It may be noted here that Poonam's case was covered by Workmen Compensation Act. The argument of the petitioner in that case was that since the petitioner has been granted compensation under the Workmen Compensation Act instead of the extra ordinary pension, the scope of Poonam's petition was found limited only to the extent of grant of interest for the delayed payment of aforesaid two components. The Hon'ble High Court of Punjab and Haryana discussed the brief history of the case in para 3 of the decision. The facts of present case and Poonam's case are entirely different. In Poonam's case, her husband had died on 17.04.2013 while he was on duty in Jammu and Kashmir. All the benefits were paid to the petitioner except for two benefits i.e. *ex-gratia* compensation and compensation under the Workmen Compensation Act. The notification of Govt. of India dated 11.09.1998 was made applicable to the employees of GREF. The Hon'ble Court noted that once the notification was issued by the Govt. of India, then atleast the

petitioner ought to have been given *ex-gratia* lump sum compensation immediately after the issuance of notification but the same was given to the petitioner after lapse of four years and no justification came from the respondents of Poonam's case for delay in granting compensation, therefore, the Hon'ble High Court of Punjab and Haryana granted interest @ 6% p.a. on *ex-gratia* lump sum compensation and the compensation under the Workmen Compensation Act from the date of death of the husband of the petitioner till the date of actual payment. On facts and law, this ruling is distinguishable from the facts of present case. In the instant case, *ex-gratia* payment was already accepted by the wife of the deceased on the basis of earlier G.O. and only when the subsequent G.O. came for enhancing *ex-gratia* payment, she put forward her claim for enhanced compensation. Further, subsequent G.O. clearly says that enhanced payment shall be given only to new cases and not to those which took place earlier.

18. Another decision given by Central Administrative Tribunal, Allahabad Bench on 25.04.2024 was submitted for perusal of the Tribunal. In Original Application No. 330/00766/2021, Shakuntala Devi and others vs. Union of India and others, the Hon'ble CAT relying upon various decisions allowed simple interest at the rate of 6% p.a. on *ex-gratia* compensation as well as difference of provisional family pension from 04.06.2011 (in that case) till the date of actual payment. Again, on facts and law, this Tribunal is of the opinion that the same is distinguishable from the facts of this case. It was not a statutory requirement in this case to give *ex-gratia* compensation, as per the earlier G.O. (Rs. 5,00,000/- was given to the wife of the deceased, which she had already received). It was when the civil death of SI Rajnish Goswami was declared then only wife and mother of the deceased came to file claim petition after obtaining judgement of declaration of civil death of SI Rajnish Goswami from the Civil Court.

19. As per G.O. dated 17.01.2018 issued by Home Department-8 of the Govt. of Uttarakhand, in such cases, wife will be entitled to Rs. 9,00,000/- and parents will be entitled to Rs. 6,00,000/-. The Tribunal has been informed that SI Rajnish Goswami had no father, when the incident took place, therefore, his mother will be entitled to Rs. 6,00,000/-. Out

of Rs. 9,00,000/-, the wife of the deceased has already been disbursed Rs. 5,00,000/-, therefore she is entitled to remaining Rs. 4,00,000/- and the mother is entitled to get Rs. 6,00,000/-.

20. The claim petition is disposed of, by setting aside the impugned orders dated 26.10.2024 and 19.11.2024, and directing the respondents to release Rs. 4,00,000/- as balance *ex-gratia* payment to petitioner no. 1, the wife of the deceased and Rs. 6,00,000/- as *ex-gratia* payment to the petitioner no. 2, mother of the deceased as expeditiously as possible and without unreasonable delay. The petitioners shall not be entitled to any interest on that if the payment is made without unreasonable delay.

21. The petitioners shall however be entitled to interest @ 6% p.a. if the remaining balance of *ex-gratia* payment is not released to the petitioners within 12 weeks of presentation of certified copy of this order along with the application before the respondents concerned.

22. It is made clear that the petitioners shall be entitled to interest only when the *ex-gratia* payment is not released to them within 12 weeks of presentation of certified copy of this order before the respondents concerned. 6% interest p.a. will continue till the date of actual payment. No order as to costs.

(A.S. RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 23rd September, 2025
DEHRADUN
VM/RS