

**Magan Bai Meena v State of Rajasthan & Anr**

❖ **BENCH:** Justice Ganesh Ram Meena



JUSTICE GANESH RAM MEENA

❖ **FORUM:** Rajasthan High Court

❖ **OBSERVATIONS**

- The Rajasthan High Court (“the Court”) has reiterated that if a government servant dies while being on duty on account of heart failure, he is entitled to an ex-gratia amount under Rule 75 of the Rajasthan Civil Services (Pension) Rules, 1996 (“the Rules”).
- Rule 75 of the Rules provides for situations in which the family of a government servant who dies while on duty is entitled to an ex-gratia grant.
- The bench of Justice Ganesh Ram Meena was hearing a petition filed by the widow of a government servant.
- The petitioner's husband was a police officer working in the post of assistant sub-inspector. He suffered a heart attack while being on duty at the police station which led to his death.
- The petition was filed to seek an appropriate order from the Court directing the government to release the ex-gratia amount to her.
- This claim was countered by the government on the ground that ex-gratia amount was not payable in case of death occurring due to a heart attack since it was not covered in Rule 75 of the Rules. The objection raised was that Rule 75 entitles for such ex-gratia amount when the government servant dies due to an injury inflicted or caused in consequence of his/her official position or

during the performance of his/her official duties.

- The Court referred to certain cases to clarify the stance on this point. In the Supreme Court case of Mst. Param Pal Singh through Father v. M/s National Insurance Co. & Anr., a driver while driving an insured truck, during the course of his employment, suffered a heart attack and died. The insurance company had argued that there was no connection between the death of the driver and his employment since the death was the consequence of natural causes.
- The Supreme Court held that there was a causal connection between the two. The High Court also referred to a coordinate bench decision of the Court in the case of Smt. Rameshwari Devi v. State of Rajasthan & Ors. in which an ex-gratia payment was allowed where the government servant died due to a heart attack. It was held that the death occurred due to stress and strain that arose during a running test which was in the course of the deceased's employment.
- Hence, even if it could be accepted that the deceased was already suffering from a heart ailment, it could be safely stated that the injury was aggravated due to stress and strain.
- In the background of the settled legal position, the Court held that since the deceased died while on duty due to a heart attack, the petitioner was entitled to the ex-gratia payment under Rule 75 of the Rules along with interest since the date of the death of her husband. Accordingly, the petition was allowed.

**Farida Begam v. The Puducherry Government and Others**

❖ **BENCH:** Justice SM Subramaniam and Justice C Kumarappan

❖ **FORUM:** Madras High Court

❖ **FACTS**

- The court was informed that around 200 applications were pending for benefits under the Tamil Nadu Advocates' Welfare Fund. The court thus impleaded the Principal Secretary to the Government, Finance Department, and Secretary to the Government of Tamil Nadu, Law

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Department to explain why funds were not being released for applications pending for a long time.



#### ❖ OBSERVATIONS

- The Madras High Court has remarked that lawyers were also performing public service similar to that of public servants and thus the Government should make sure that funds are allocated for Advocate's welfare schemes in a stipulated period. "Lawyers are also performing public service. We can't deny them funds."
- They're given only 10 Lakh while Group-B public servants are given 60-70 lakh and sometimes even 1 crore. These payments should be made in a stipulated period. It's not a big amount. We want to ensure that at least 50% of the pending applications are disbursed," the court remarked. The bench of Justice SM Subramaniam and Justice C Kumarappan was hearing the petition for implementation and enforcement of the Advocates' Welfare Fund Act-2001 to the Puducherry Union.
- Advocate General PS Raman informed the court that the state was yet to release an amount of Rs. 10 crore for the Advocates' Welfare Fund for the year 2022-2023. The Advocate General also informed the court that he had asked the law secretary when the funds were expected to be released and asked if it was possible to release an amount of Rs 5 Crore immediately so that little by little the funds could be disbursed.
- When asked when the applications were pending, the AG informed that the applications had been pending since 2022, since Corona. He however informed that the situation in Puducherry was different where the applications were pending due to some internal conflicts between some association members. Calling it an unfortunate situation, the court noted that quite often, the

family members were being put in trouble for no fault of theirs.

- The court also pointed out that the Government was in the habit of disbursing funds immediately for other departments which even went to 60-70 lakhs or even one crore. The court added that lawyers were also performing a public service and the government could not deny them funds.
- The court added that while the other departments were allocated funds to the tune of 60-70 lakh, lawyers were allocated only 10 Lakh, even which the government often failed to dispose of in time.
- The AG assured the court that he would communicate with the concerned department and make sure that the funds are disbursed. Taking note of this submission, the court adjourned the case by a week.

#### Prem Chand v. State Of U.P. And 2 Others

❖ **BENCH:** Justice J.J. Munir



❖ **FORUM:** Allahabad High Court

#### ❖ OBSERVATIONS

- The petitioner was a Supervisor in the Kshetriya Shri Gandhi Ashram, Garh Road, Meerut and was thereafter transferred to Shri Gandhi Ashram, Khadi Bhandar, Baraut, District Baghpat.
- Petitioner filed a complaint before the Branch Manager of the Union Bank and the Canara Bank, where accounts of the Kshetriya Shri Gandhi Ashram, Meerut are maintained regarding misuse of funds and execution of a false sale deed on behalf of the Ashram in favour of on Ranuka Ashiyana Private Limited.
- Petitioner pleaded that he was threatened to withdraw his complaint by the Secretary of the Kshetriya Shri Gandhi Ashram when inquiry was conducted, and Bank Accounts

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of the Ashram were frozen. Subsequently, the petitioner was dismissed from service.

- Petitioner challenged his dismissal under Article 226 of the Constitution of India on grounds of violation of principles of natural justice. Counsel for respondent raised a preliminary objection as to the maintainability of the petition. It was argued that the Kshetriya Shri Gandhi Ashram, being a registered society under the Societies Registration Act, 1860, is not an instrumentality of the State. It was argued that the Ashram does not discharge any public functions.
- Defending the maintainability of the writ petition, petitioner relied on the provisions of the Uttar Pradesh Khadi and Village Industries Board Act, 1960 to argue that the Ashram performed public duties under the statute.
- The High Court observed that in U.P. State Cooperative Land Development Bank Ltd. v. Chandra Bhan Dubey and others, the Supreme Court held that the Uttar Pradesh Cooperative Land Development Bank was State under Article 12 of the Constitution as though it was registered as a society under the Uttar Pradesh Co-operative Societies Act, 1965 it was under the statutory control of the State Government.
- In Chandra Bhan Dubey, the State Government constituted the Uttar Pradesh Cooperative Institutional Service Board which framed the U.P. Co - operative Societies Employees Service Regulations, 1975 governing and protecting the rights of the employees of the Bank, thereby establishing pervasive control of the State, observed the Court.
- Holding that the case of the petitioner-Ashram is different from the case of the Bank in Chandra Bhan Dubey, Justice Munir held that the Kshetriya Gandhi Ashram, Meerut being controlled by Shri Gandhi Ashram at Lucknow was not 'State' under Article 12 as the state had no statutory control over its functioning.
- Further, being a registered society under the Act of 1965, there was no statute guiding its functioning. Accordingly, the Court held

that the Kshetriya Gandhi Ashram, Meerut is not a 'State' under Article 12 of the Constitution of India, and the writ petition was dismissed.

### Surabattula Gopala Rao v. State of AP

- ❖ **BENCH:** Justice U Durga Prasad and Justice Sumathi Jagadam



- ❖ **FORUM:** Andhra Pradesh High Court

#### ❖ **OBSERVATIONS**

- The Andhra Pradesh High Court has directed its Registry to list a plea which was filed challenging the illegal detention of 195 Bovine Animals and praying for their production.
- The matter was listed before the Division Bench of Justice U Durga Prasad and Justice Sumathi Jagadam, to hear the office objections raised regarding the maintainability of the Habeas Corpus petition filed to produce the 195 alleged unlawfully detained animals.
- The Bench orally observed that as long as the situation concerning the welfare of animals is involved, the technicalities of whether a writ in the form of Habeas Corpus is maintainable or not will not detain it from exercising inherent jurisdiction. The writ petition has been filed by concerned citizens and Animal Activists praying that the cows that had been illegally detained by the Police Officials in an unknown place be produced.
- They stated that on the day before Bakra-Eid, they got the news that in Vijayawada, cattle, which were unfit for slaughter, were being taken to slaughterhouses. The petitioners reached the location and started to examine

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the animals. Allegedly, the animals were under the age of 10, were underweight and some were even suffering from lumpy skin disease.

- As per the rules, animals under the age of 10 or animals with diseases, were not fit for sacrifice. Promptly, the petitioner raised a complaint with the concerned police department and the situation was taken cognizance of.
- The cattle were secured and protected from further transportation. The petitioners were called to the Police Station and upon reaching they saw that a mob of about 300 people had gathered outside the PS, demanding the release of the seized animals, claiming to be their owners.
- It was stated that the claims of the mob were untenable to the petitioners, but the investigating authorities, without verifying the facts and following due procedure of law, remanded the petitioners and shifted the animals to an undisclosed location. "The respondent officials are duty bound to follow the procedure, i.e. registration of crime, producing the secured cattle before the concerned magistrate.
- Then the bona fide purchaser ought to file a petition for release of the same by showing his bona fide. However, the respondent officials without following such procedure, simply relocated them to another place but orally denying that, they did not hand over them to the claimants and they'll do so soon.
- The action of the respondent officials in this regard is illegal, arbitrary, violative of the provisions of Prevention of Cruelty to Animals Act, 1960 and rules made thereunder and the AP Prohibition of Cow Slaughter and Animals Preservation Act, 1977 and the rules made thereunder," the plea stated.

## XXXX v. State of Punjab and others

❖ **BENCH:** Justice Harsh Bunger



❖ **FORUM:** Punjab & Haryana High Court

### ❖ **FACTS**

- A 15-year-old girl had moved Court through her friend by filing a protection plea against her family members.
- The girl stated that her friend came to her rescue when her parents were trying to marry her to an old man without her consent.

### ❖ **OBSERVATIONS**

- The Punjab & Haryana High Court has directed the Child Welfare Committee (CWC), constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), to conduct an enquiry under Section 36 of the Act and ensure compliance, in the case of a minor girl whose parents have allegedly fixed her marriage with an old man.
- Justice Harsh Bunger issued a slew of directions and said, "It is the bounden duty of the State as per the Constitutional obligations casted upon it to protect the life and liberty of every citizen. Right to human life is to be treated on a much higher pedestal, regardless of a citizen being minor or a major."
- The mere fact that the petitioner is minor in the present case would not deprive her of the fundamental right as envisaged in the Constitution of India, being a citizen of India, the Court added.
- The protection plea stated that the minor girl was beaten by her family when she opposed the marriage and upon getting an opportunity, she said to have run away from her parental house on June 02, 2024 and

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since then she has been running from pillar to post to save her life and has lastly taken refuge at her friend's house.

- It is alleged that when the minor girl was taken to the local police station for help, it was of no avail, and her family members raided her friend's house where she was staying and threatened his family members. Thereafter, they also threatened to implicate anyone who helped her.
- After hearing the submissions, the Court noted that, Promila Minor through Vikram v. State of Haryana & Ors wherein a coordinate Bench of the Punjab & Haryana Court has considered the question relating to striking a balance between the constitutional right to life as enshrined under Article 21 as well as statutory obligation cast under the Juvenile Justice (Care and Protection of Children) Act, 2015, in a case where a minor claimed to have abandoned her guardian and approaches the Court through a self proclaimed next friend/guardian.
- In light of the above case, the Court issued a slew of directions including the following:
  - The minor...shall appear or be produced by her friend...in the office of Senior Superintendent of Police, Ferozepur within a period of three days from today, failing which, the concerned Senior Superintendent of Police shall depute a Child Welfare Police Officer to produce the minor/child before the Committee constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015 within a period of one week thereafter.

The Committee shall conduct an enquiry contemplated under Section 36 of the JJ Act and pass an appropriate order under Section 37 ibid by associating all the stakeholders and ensure that the objects of the Act are well served.

- The Child Welfare Committee shall take appropriate decisions with respect to the boarding and lodging of the minor and also to conduct enquiry on all issues relating to and affecting safety and well being of the child/minor.
- During the pendency of such adjudication and passing of orders as contemplated under Section 37 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Committee shall also take appropriate interim measures/decisions as regards placement of a child/custody of the child in need of care and protection. While disposing of the plea, the Court also directed the CWC to file a compliance report before the High Court.

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