

GAHC010048792021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2116/2021

LOLITA HAZARIKA
W/O- LT. MUKUL HAZARIKA, VILL- 2 NO. KAKOJAN, P.O. KAKOJAN, P.S.
PHILLOBARI, DIST.- TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY-6

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
RELIEF AND REHABILITATION BRANCH
DISPUR
GHY-06

3:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT.
DISPUR
GHY-06

4:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-06

5:THE DY. COMMISSIONER
TINISUKIA
TINSUKIA
DIST.- TINSUKIA
ASSAM
PIN- 786125

6:THE CIRCLE OFFICER
DOOMDOOMA REVENUE CIRCLE
DOOMDOOMA
DIST.- TINSUKIA
ASSAM
PIN- 78615

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 10-04-2023

Heard Mr. A.M. Khan, learned counsel for the petitioner. Also heard Mr. R. Talukdar, learned counsel for the respondent Nos. 1, 3, 5 & 6, Ms. G. Hazarika, learned counsel for the respondent No. 2 and Mr. P. Nayak, learned counsel for the respondent No. 4.

2. The petitioner's case is that as the petitioner's husband, the late Mukul Hazarika had been killed by the extremists, Rs. 1 Lakh was given as ex-gratia grant to the petitioner, vide Order dated 22.09.2004.

3. The petitioner's grievance in the present case is that the ex-gratia grant of Rs. 1 Lakh to be given to the persons killed by extremists, has been enhanced to Rs. 3 Lakhs, vide Notification dated 22.06.2004 issued by the Commissioner & Secretary to the Government of Assam, Personnel (B) Department and Office Memorandum dated 29.07.2013. Though the petitioner has prayed for grant of the additional Rs. 2 Lakhs, which was to be given in terms of the O.M dated 29.07.2013, the same has not been given to the petitioner till date.

4. The petitioner's counsel further submits that though a Representation dated 22.01.2021 had been submitted to the Deputy Commissioner, Tinsukia (respondent No. 5), no decision has been taken on the said representation. He further submits that in a similar case, this Court, in its Order dated 22.02.2021 passed in WP(C) No. 1026/2021, had directed the State respondents to make payment of the balance amount of Rs. 2 Lakhs to the petitioners' therein, after the respondent No. 5 had come to a finding that the petitioners' therein were entitled to the payment of additional enhanced ex-gratia grant of Rs. 3 Lakhs.

5. The petitioner's counsel submits that the present writ petition can be disposed of with a direction to the respondent No. 5, to take a decision on the petitioner's representation as to whether the petitioner is entitled to receive the additional ex-gratia grant of Rs. 2 Lakhs, in terms of the Notification dated 22.06.2004 and O.M dated 29.07.2013.

6. The respondents' counsels submit that they have got no objection to the prayer made by the petitioner's counsel.

7. In view of the consent of the parties, this Court directs the respondent No. 5 to verify the petitioner's Representation dated 22.01.2021 and to take a decision as to whether the petitioner is entitled to be ex-gratia grant of Rs. 3 Lakhs, in terms of the Notification dated 22.06.2004 and the O.M dated 29.07.2013.

8. If the respondent No. 5 comes to a decision that the petitioner is entitled to the additional grant of Rs. 2 Lakhs, as 1 Lakh has already been apparently paid earlier, steps should be taken by the respondents to make payment of the

balance amount.

9. The respondent No. 5 shall take a decision on the petitioner's representation within a period of 1 (one) month, from the date of receipt of a certified copy of this order along with a copy of the writ petition. The payment to be made to the petitioner by the other respondents, depending upon the decision of the respondent No. 5, should be made within a further period of 2 (two) months thereafter.

10. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant