

GAHC010259172022



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

Case No. : WP(C)/8125/2022

SAFIUR RAHMAN
S/O. LT. HAJI BHOAMR @ HAJI BHOAMR ALI, VILL. KHUDRAKUCHI, P.O.
BALAGAON, P.S. KALGACHIA, DIST. BARPETA, ASSAM, PIN-781319.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
THROUGH THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
DEPT. OF HEALTH, DISPUR, GHY.-06.

2:THE DEPUTY COMMISSIONER

BARPETA
ASSAM
PIN-781301.

3:THE ADDL. DEPUTY COMMISSIONER (HEALTH)
BARPETA
ASSAM
PIN-781301.

4:THE JOINT DIRECTOR OF HEALTH SERVICE

BARPETA
ASSAM
PIN-781301

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

14.03.2023

Heard Mr. A.K. Azad, learned counsel for the petitioner; Ms. D. Bora, learned Standing Counsel, Health Department for the respondent nos. 1 & 4; and Ms. S. Sarma, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

2. As the issue raised in this writ petition is claim of compensation, the writ petition is taken up for final consideration at the admission stage itself, as agreed to by the learned counsel for the parties.

3. The petitioner was the husband of one Late Anowara Khatun who died on 19.05.2021 admittedly due to Covid-19 positive. In connection with the death of Late Anowara Khatun, the Registrar, Birth & Death, Barpeta Civil Hospital, issued a Death Certificate dated 07.06.2021 recording the date of death of Late Anowara Khatun on 19.05.2021 at Barpeta Civil Hospital, Kalgachia. During the continuance of Covid-19 pandemic, the State Government by a Cabinet decision on 01.09.2021, had announced a scheme, '*Chief Minister's Covid-19 Prarthana Scheme*' [*the Prarthana Scheme*, for short]. As per the guidelines formulated under the Prarthana Scheme, the eligible beneficiaries are to be given a sum of Rs. 1,00,000/-.

3.1. The petitioner as the Next of Kin [NoK] of Late Anowara Khatun, applied for the sum of Rs. 1,00,000/- under *the Prarthana Scheme* by submitting an application before the concerned authority and the respondent authorities after scrutiny and proper verification of the application, issued a cheque bearing no. 704801 dated 29.09.2021 for a sum of Rs. 1,00,000/-. But as there was wrong incorporation of the name of the beneficiary i.e. the petitioner as 'Saifur Rahman' instead of 'Safiur Rahman', the petitioner had to return the cheque to the respondent no. 3. The respondent no. 3 acknowledging receipt of the cheque,

initiated the process for issuance of a fresh cheque in the corrected name Safiur Rahman. After following the formalities, the respondent authorities had issued a demand draft bearing no. 90446 dated 13.12.2021 in the name of Safiur Rahman i.e. the petitioner for a sum of Rs. 1,00,000/-. The said demand draft was handed over to the petitioner on 17.03.2022. The demand draft bearing no. 904446 dated 13.12.2021 had a validity for a period of 3 [three] months. As the demand draft was handed over to the petitioner only on 16.03.2022, the petitioner could not encash the demand draft and had to return the same again to the respondent authorities.

3.2. The respondent authorities after receipt of the demand draft bearing no. 904446 dated 13.12.2022, had initiated the process for issuing a revalidated cheque/demand draft in the name of the petitioner [Safiur Rahman], as reflected from the letter bearing memo no. BDM-55/2021/101 dated 29.03.2022. But after waiting for a substantial period of time till 16.11.2022 when the petitioner did not receive the revalidated cheque/demand draft for the sum of Rs. 1,00,000/- towards the benefit under *the Prarthana Scheme*, the petitioner has approached this Court by this writ petition under Article 226 of the Constitution of India seeking a direction to the respondent authorities to disburse the sum of Rs. 1,00,000/- under the Prarthana Scheme forthwith.

4. The respondents were put to notice on 21.12.2022 but till date, no instruction as regards handing over of the revalidated cheque/demand draft for the sum of Rs. 1,00,000/- under *the Prarthana Scheme* has been placed by the learned State Counsel.

5. It is an admitted position that the petitioner had been selected as a beneficiary to receive the sum of Rs. 1,00,000/- under *the Prarthana Scheme* as a Next of Kin [NoK] for the death of his wife due to Covid-19. It is also an admitted position that the sum of Rs. 1,00,000/- had been earlier disbursed to the petitioner in the form of a cheque bearing no. 704801 dated 29.09.2021 and a demand draft bearing no. 904446 dated 13.12.2021. But, due to incorporation of a wrong name in the cheque on the first occasion and due to expiry of the validity period of the demand draft on the second occasion, the petitioner could not receive the sum of Rs. 1,00,000/-. Thus, it is clear that it was due to certain discrepancies at

the end of the official respondents, the petitioner has not been able to receive the benefit under *the Prarthana Scheme* till date.

6. Having regard to the admitted position that the petitioner is entitled to receive the sum of Rs. 1,00,000/- under *the Prarthana Scheme*, this Court is of the considered view that instead of keeping this writ petition pending the same can be disposed of with a direction to the respondent authorities to hand over the sum of Rs. 1,00,000/- under *the Prarthana Scheme* by way of a cheque/demand draft within a reasonable period of time. It is accordingly ordered. Ms. Sarma, learned Junior Government Advocate, Assam has submitted, at this stage, that a period of 2 [two] months would be a reasonable period for the respondent authorities to process the claim of the petitioner and disburse the sum of Rs. 1,00,000/- under the Prarthana Scheme.

7. In the above view of the matter, the writ petition is disposed of with a direction to the respondent authorities to process the claim of the petitioner and disburse the sum of Rs. 1,00,000/- under *the Prarthana Scheme* in the form of cheque/demand draft, within a period of 2 [two] months from the date of receipt of a certified copy of this order from the petitioner at the office of the respondent no. 3. In order to facilitate processing of the claim and disbursement of the sum of Rs. 1,00,000/-, the petitioner shall submit a certified copy of this order at the office of the respondent no. 3 for taking further necessary steps in this regard.

8. This order disposes of the writ petition.

JUDGE

Comparing Assistant