

GAHC020007242023



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

Case No. : WP(C)/323/2023

SMTI. YANGERSENLA
AGRI COLONY KOHIMA NAGALAND W/O
LATE. LIMATOSHI AO (DRIVER)
WATER RESOURCES DEPT. ERSTWHILE IRRIGATION AND FLOOD CONTROL,
NAGALAND KOHIMA

VERSUS

THE STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
WATER RESOURCES DEPT, KOHIMA NAGALAND

3:THE CHIEF ENGINEER
WATER RESOURCES DEPT. NAGALAND KOHIMA

Advocate for the Petitioner : S. TEMJEN

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

11.12.2023

The instant writ petition is taken up for disposal at the Motion stage, taking into account the relief which has been sought for.

I have heard Mr. S. Temjen, learned counsel appearing on

behalf of the petitioner, and Ms. Bichano Kithan, learned State counsel appearing on behalf of the respondent Nos. 1 to 3.

The case of the petitioner herein is that the husband of the petitioner was working as a Driver attached to the Deputy Director, Economics and Statistics, Nagaland, Kohima. Unfortunately, the husband of the petitioner was killed on 23.08.2009 as alleged in the writ petition. The writ petitioner thereupon has also obtained various documents/evidences that she is the next of kin of Lt. Mr. Limatoshi Ao. The petitioner was, however, not aware that the Government of Nagland has an Office Memorandum dated 06.06.1995, whereby ex gratia compensation is awarded to family members of those government servants who have been killed while performing their bonafide government duty. Apart from that, the said Office Memorandum dated 06.06.1995 provides certain pensionary benefits also. The petitioner, upon being informed that she has a right to claim the said benefits on the basis of the said Office Memorandum, had submitted representation on 18.09.2023 to the respondent Nos. 2 and 3. However, nothing has been done by the said respondents for which the instant writ petition had been filed.

I have heard the learned counsels for the parties. This Court has also perused the Office Memorandum dated 06.06.1995, which provides certain benefits like ex gratia compensation, pensionary benefits etc. to the next of the kin/ family of the government servants, who have been killed while performing bonafide government duty.

I have also heard Ms. Bichano Kithan, learned State counsel appearing on behalf of the official respondents, who submits that she has no instructions whether the Office Memorandum dated

06.06.1995, still is in vogue.

Taking into account that the entitlements which has been claimed would require certain verification on the part of the official respondents, this Court disposes of the instant writ petition hereby directing the respondents and more particularly the respondent Nos. 2 and 3 to carry out the necessary verification and upon verification, if it is found that in terms with the said Office Memorandum dated 06.06.1995, or any other Office Memorandum of similar nature existing, the petitioner is entitled to some benefits, the said respondents shall take necessary steps to grant the petitioner such benefits. This entire exercise be carried out within 6 (six) months from the date a certified copy of this instant order is served upon the respondent No. 2.

Before concluding, this Court observes that in the circumstances, there is no policy presently for grant of benefits to those family members of government servants who have expired on duty, the respondents shall inform the petitioner by a written communication within the time above mentioned.

Sd/-
JUDGE

Comparing Assistant