

GAHC010117822023



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

Case No. : WP(C)/3157/2023

BEHULA KHATUN
W/O- LT. MINHAZ UDDIN MOLLAH,
VILL.- KHODADILA (SOUTH SALMARA),
P.O. AND P.S.- SOUTH SALMARA,
DIST.- SOUTH SALMARA MANKACHAR,
ASSAM, PIN- 783128.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPTT.,
DISPUR, GUWAHATI-06.

2:THE DIRECTORATE OF INFORMATION AND PUBLIC RELATIONS
ASSAM
DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER
KAMRUP(METRO)
HENGRABARI
GUWAHATI

DIST.- KAMRUP(M)
ASSAM

PIN- 781036.

4:THE DEPUTY COMMISSIONER
SOUTH SALMARA MANKACHAR
ASSAM

HATSINGIMARI
P.O.- HATSINGIMARI

DIST.- SOUTH SALMARA MANKACHAR

ASSAM
PIN- 783135.

5:THE CIRCLE OFFICER OF SOUTH SALMARA REVENUE CIRCLE
P.O. AND P.S.- SOUTH SALMARA

DIST.- SOUTH SALMARA MANKACHAR

ASSAM
PIN- 783128.

6:PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 08-02-2024

Heard Mr. M.R. Khandakar, learned counsel for the petitioner; Ms. G. Hazarika, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 1; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 2 – 5. None has appeared for the respondent no. 6, Finance Department, Government of Assam.

2. The petitioner has stated that her husband, Late Minhaz Uddin Mollah died on 16.08.2020 due to Covid-19. Seeking disbursal of [i] one time financial

assistance of Rs. 2.5 lakhs as the wife of Late Minhaz Uddin Mollah who was a Covid-19 victim, as per the policy named as '*the Chief Minister's COVID 19 Widows Support Scheme*', and [ii] an ex-gratia assistance of Rs. 50,000/- as his Next-of-Kin [NoK] in terms of a Notification dated 15.11.2021 of the Revenue & Disaster Management [General] Department, Government of Assam, the petitioner has preferred this writ petition on the premise that despite approaches to the respondent authorities, the reliefs were not disbursed to her.

3. Notices were issued to the respondents on 02.06.2023. By the Notification bearing no. RGR.1031/2021/13 dated 25.11.2021, it had *inter-alia* been notified that the National Disaster Management Authority [NDMA] had recommended an amount of Rs. 50,000/- per deceased person, if the cause of death was certified as Covid-19. The District Disaster Management Authorities [DDMAs] of all the districts of Assam were notified as the disbursement authorities for such ex-gratia assistance to the Next-of-Kin of a deceased, died due to Covid-19. Today, Ms. Barman has placed a copy each of a Sanction Order bearing no. HRR/DDMA/42/2021/182 dated 16.12.2023 and a Disbursal Letter bearing no. HRR/DDMA/17/2023 Dated 06.01.2024. From the said two documents, it is noticed that an amount of Rs. 50,000/- has been sanctioned by the Sanction Order dated 16.12.2023 and thereafter, the said amount has been remitted to the bank account of the petitioner vide a Disbursal Letter dated 06.01.2024.

4. By a Press Release no. 160/2021, the scheme, the *Chief Minister's COVID 19 Widows Support Scheme* was announced. From the Press Release no. 160/2021 of the Janasanyog, Assam, it is noticed that the said Scheme had been launched in a bid to provide social and financial security to all widows who had lost their husbands in Covid-19 pandemic. Under the Scheme, a one-time

financial assistance of Rs. 2.5 lakh would be given to such women who lost their husbands due to Covid-19. To be eligible under the scheme, the beneficiary's husband should have died with a Covid positive status and the beneficiary must belong to low-income group with an annual income up to Rs. 5 lakhs.

5. The petitioner has stated that her husband, Minhaz Uddin Mollah died on 16.08.2020 at Hayat Hospital due to Covid-19 and the burial of the dead body was done at Athgaon Kabarsthan, Guwahati by following the Guidelines of cremation of dead bodies of Covid-19 positive persons. The petitioner has stated those facts have been certified in an Order issued under Memo no. KRR.DDMA.K[M]03/2020/2944 of the Deputy Commissioner & Chairman, DDMA, Kamrup Metropolitan District, Guwahati [Annexure-1]. In the writ petition, the petitioner has further averred that she was serving in a Venture M.E. School and her service was provincialized in the year 2021 w.e.f. 01.01.2021 and she was getting approximate salary of Rs. 11,000/- per month. It is further stated that she retired from service in January, 2023 and is not getting any pension.

6. No instruction as regards the petitioner's entitlement under *the Chief Minister's COVID 19 Widows Support Scheme* has been placed before the Court till date. As *the Chief Minister's COVID 19 Widows Support Scheme* envisages disbursement of one-time financial assistance of Rs. 2.5 lakh to a widow who has lost her husband due to Covid-19, subject to meeting the criteria laid down therein, this Court is of the considered view that the respondent authorities are in the best position to examine and consider the case of the petitioner as regards entitlement of the petitioner.

7. As the respondent authorities, more particularly, the respondent no. 4 and the respondent no. 5 can examine the entitlement of the petitioner as regards

one-time financial assistance of Rs. 2.5 lakhs under *the Chief Minister's COVID 19 Widows Support Scheme* for low income families, this Court considers it appropriate to dispose of the writ petition with a direction to the respondent authorities, more particularly, the respondent no. 4 and the respondent no. 5 to examine and consider the case of the petitioner as regards her entitlement or otherwise for one-time financial assistance of Rs. 2.5 lakh under *the Chief Minister's COVID 19 Widows Support Scheme* for low income families. It is accordingly ordered.

8. The petitioner shall submit an application before the respondent no. 4 within a period of 3 [three] weeks from today along with all the supporting documents in support of her such claim. On receipt of such application, the respondent no. 4 shall consider the application, by causing an enquiry, if found necessary, and thereafter, dispose of the application by a speaking order within a period of 3 [three] months. The petitioner and/or the other Next of Kins [NoKs] of the deceased person is/are directed to extend her/their assistance and cooperation during the process of such enquiry and shall furnish the relevant information/documents, available at her/their disposal, as and when asked for, to facilitate the process of enquiry.

9. The documents placed by Ms. Barman, learned Junior Government Advocate, Assam are to be kept with the case records.

JUDGE

Comparing Assistant