

GAHC010127372021



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

Case No. : WP(C)/5162/2021

PARANITA BARO
W/O LATE SOBEN BORO @ CHABEN BARO
RESIDENT OF VILLAGE BISHAMARI, BAGANPARA PS BORBORI, DIST
BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT (RELIEF AND
REHABILITATION) DEPARTMENT,DISPUR GUWAHATI 06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR GUWAHATI 781006

3:THE DEPUTY COMMISSIONER

KAMRUP (M) ASSAM

4:THE SUPERINTENDENT OF POLICE
KAMRUP (M) ASSAM

5:THE DEPUTY COMMISSIONER

BAKSA
PO AND PS MUSALPUR
DIST BAKSA
ASSAM

6:THE CIRCLE OFFICER OF BAPANPARA REVENUE CIRCLE

PO BAGANPARA
PS BARBORI
DIST BAKSA
ASSA

Advocate for the Petitioner : MR I HAQUE

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

25.06.2024

Heard Mr. I. Haque, learned counsel for the petitioner. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue for the respondent No. 1; Mr. H. Baruah, learned Standing Counsel, Finance for the respondent No. 2 and Ms. M. barman, learned Government Advocate for the respondents No. 3 to 6.

The petitioner is before this Court seeking a direction to the respondent authorities to disburse the ex-gratia grant of Rs. 2,00,000/- in terms of the Notification dated 15.11.2014 of the Revenue (Relief & Rehabilitation Branch) & Disaster Management Department, on the ground of death of husband who expired by a road accident in public place.

3. Pursuant to the said unfortunate incident the petitioner being wife had approached the Deputy Commissioner, Baksa by filing representation dated 27.10.2020 claiming for ex-gratia compensation. The petitioner claims that as per the Notification issued by the Government from time to time, the petitioner is entitled to be granted an ex-gratia relief as her husband succumbed to the injuries sustained on a road accident.

4. The writ petition was filed in the year 2021 and notices in the matter were

issued as far back as 21.06.2023 however, no response is forthcoming from the respondents. Today also when the matter is called up, the learned Government Counsel is not posted with the required instructions. Accordingly, this Court is of the view that the matter need not be kept pending for the want of instructions from the Government. Since a representation is stated to have been filed by the petitioners before the Deputy Commissioner, Baksa, the writ petition is disposed of with a direction to the Deputy Commissioner, Baksa to make necessary enquiries into the matter and call for all required reports from the various quarters as may be necessary and upon such an enquiry, if it is found that the petitioner is entitled to be paid an ex-gratia compensation in terms of the scheme formulated by the Government, as it existed at the time when the petitioner's husband met with the accident and succumbed to the injuries sustained, the Deputy Commissioner, Baksa will put up a necessary proposal to be forwarded to the Office of the Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department. The Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department will thereafter, consider the said proposal put up by the Deputy Commissioner, Bakas and pass necessary orders for release of the ex-gratia amount, if found to be payable to the petitioner, as claimed.

5. The Deputy Commissioner, Baksa will cause the enquiry to be undertaken and if found to be correct, a proposal be forwarded to the Office of the Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department within a period of 60 (sixty) days from the date of receipt of a certified copy of this order. If such a proposal is forwarded to the Commissioner and Secretary, Government of

Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department then the same shall be considered and necessary orders as deemed proper be passed by the Commissioner and Secretary, Government of Assam, Revenue (Relief and Rehabilitation) and Disaster Management Department within a further period of 30 (thirty) days there from.

6. With the above observation, this writ petition, stands disposed of and closed.

JUDGE

Comparing Assistant