

GAHC010130512023



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

Case No. : WP(C)/3566/2023

KANCHI POKHREL
D/O- LATE KISHORE KR KHATOWAL,
W/O- INDRA POKHREL,
R/O- VILL- PAWANG (UMLAPHER),
P.O- UMPANAI,
P.S- BOITHALANGSHU,
DIST- WEST KARBI ANGLONG, ASSAM, PIN-782413

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM,
DISPUR, GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
RELIEF AND REHABILITATION DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM

PERSONNEL -B
DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR

GUWAHATI- 781006.

5:THE DEPUTY COMMISSIONER
DIST- WEST KARBI ANGLONG
ASSAM
PIN-782462

6:THE CIRCLE OFFICER
DONKAMUKAM REVENUE CIRCLE

DIST- WEST KARBI ANGLONG
ASSAM
PIN-78248

Advocate for the Petitioner : MR. A F N U MOLLAH, MR M RAHMAN,K ZAMAN

Advocate for the Respondent : GA, ASSAM, MR. K BHATTACHARJEE,SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 28.10.2024

Heard Mr. AFNU Mollah, learned Counsel for the petitioner. Also heard Mr. K. Gogoi learned Additional Senior Government Advocate for the state respondent, and Ms. N. Bordoloi, learned Standing Counsel, Revenue Department.

2. By way of this writ petition filed under Article 226 of the Constitution of India, the petitioner is seeking release of ex-gratia amount of Rs. 2,00,000/- (rupees two lakhs) only, to the petitioner for her deceased father.

3. The case of the petitioner is that the father of the petitioner Kishore Kumar Khotowal was killed by extremist during the year 2000. Thereafter, the mother of the petitioner as next of the kin of the

deceased, Padma Devi was disbursed a sum of Rs. 1,00,000/- (rupees one lakh) as ex-gratia grant. It is the further case of the petitioner that by a notification dated 22/06/2024 issued by the Personnel Department, Government of Assam, the ex-gratia amount stood enhanced to Rs. 3,00,000/- (rupees three lakhs) from Rs. 1,00,000/- (rupees one lakh). It is the further case of the petitioner that by another Office Memorandum dated 29/07/2013 issued by the Personnel Department, Government of Assam, a decision has been taken to provide appropriate ex-gratia amount of Rs. 3,00,000/- (rupees three lakhs) as per the notification dated 22/06/2004 to the family of the victim, who died prior to 2004 by adjusting the amount already paid to the near relative of such deceased. Claiming that the petitioner is entitled to the enhanced additional amount of Rs. 2,00,000/- (rupees two lakhs) towards ex-gratia due to death of her father in extremist violence, the present petition has been filed.

4. Heard the learned Counsels for both the parties and perused the material available on record.

5. It appears from the notification dated 21/08/2000 enclosed as Annexure 1 to the writ petition that a sum of ex-gratia Rs. 1,00,000/- was paid to the mother of the petitioner as next of kin for the death of the petitioner's father by extremist. It further appears that in view of the enhanced ex-gratia grant in terms of the notification dated 29/07/2013, the entitlement of the next of kin stands at Rs. 3,00,000/- and hence the petitioner is entitled for an additional Rs. 2,00,000/- being the next of kin of her deceased father.

6. Accordingly, the instant writ petition stands disposed of directing the Commissioner and Secretary to the Government of Assam, Revenue Disaster Management Department, Guwahati, to disburse the additional amount of Rs. 2,00,000/- (rupees two lakhs) only, to the petitioner after carrying out necessary verification as regards the petitioner's entitlement as well as identification. The said exercise shall be completed within a period of 3 (three) months from the date of submission of the certified copy of the instant order along with the necessary documents identifying the petitioner is the daughter of late Kishore Kumar Khotowal.

7. With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant