

GAHC010139652021



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

Case No. : WP(C)/4464/2021

MARASIYA DEVI
W/O LATE DUWARIKA HARIJAN
VILLAGE BOR MATIKHOLA, PO JENGKHA, PS KHERONI, 782448, DIST
WEST KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, RELIEF AND REHABILITATION DEPARTMENT, DISPUR
GUWAHATI 781006, ASSAM

2: THE DEPUTY COMMISSIONER
WEST KARBI ANGLONG
PO AND PS HAMREN
DSTI WEST KARBI ANGLONG
782486
ASSAM

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

4: COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HILLS AREAS DEPARTMENT
HOUSEFED COMPLEX
BELTOLA ROAD
GUWAHATI
KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. R BORA
Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 07.06.2024

None appears on behalf of the petitioner, on call. However, Mr. S. Hazarika, learned standing counsel, Relief & Rehabilitation Department; Ms. Usha Das, learned Addl. Senior Government Advocate, Assam; and Mr. R. Borpujari, learned standing counsel, Finance Department, Assam, are present on behalf of their respective respondents.

2. As projected in the writ petition, the petitioner's husband Late Duwarika Harijan was killed by the extremists on 11.05.2001. Pursuant to the death of her husband, the petitioner in terms of the policy of the Government as prevalent at that time; was authorized an amount of Rs. 1,00,000/- as ex-gratia payment which amount was stated to have been deposited in her Savings Bank Account available in the SBI Zerikingding Branch, Kheroni, West Karbi Anglong.

3. The petitioner has approached this Court by way of instituting the present proceeding, praying for enhanced compensation as now becoming due to her in terms of the Notification, dated 22.06.2004, read with Office Memorandum, dated 29.07.2013.

4. The said aspect of the matter as to whether the enhanced ex-gratia amount as brought into effect vide Notification, dated 22.06.2004, in the light of the Office Memorandum, dated 29.07.2013, would also stand extended to the cases of persons who were killed on account of extremist violence, prior to 2004, was

examined by this Court in a number of writ petitions and it was held that the said ex-gratia amount would also apply to the cases of persons who were killed in extremist violence prior to 22.06.2004.

5. It is also stated in the Bar that the petitioner, herein, would also be eligible to receive the said enhanced ex-gratia amount of Rs.3,00,000/-, after deducting the ex-gratia amount paid to her. However, the learned counsels for the respondents have submitted that prior to release of such amount to the petitioner, herein, an inquiry into the matter, be directed to be carried-out by the jurisdictional Deputy Commissioner.

6. In view of the above position, the petitioner, herein, is directed to submit an application staking a claim for enhanced ex-gratia amount, as brought into force vide the Notification, dated 22.06.2004, and also by the Office Memorandum, dated 29.07.2013, and by spelling-out the requisite details pertaining to the date and other particulars of the death of her husband and also bringing on record, the orders(s) passed towards sanctioning of ex-gratia amount in her favour; submit the same before the jurisdictional District Commissioner. The jurisdictional District Commissioner shall, thereafter, prepare a report in respect of the petitioner and forward the same to the Secretary to the Government of Assam in the Revenue & Disaster Management Department, Relief & Rehabilitation Branch. On receipt of such proposal from the jurisdictional District Commissioner, in respect of the petitioner herein; the Secretary to the Government of Assam in the Revenue & Disaster Management Department, Relief & Rehabilitation Branch, shall pass a speaking order therein and thereby, authorize the petitioner, the enhanced ex-gratia amount as brought into force vide the Notification, dated 22.06.2004.

7. Accordingly, the petitioner shall be released the enhanced ex-gratia amount after deducting the amount already paid, in respect of the death occasioning to her husband on account of extremist violence.
8. The aforesaid exercise shall be carried-out by the jurisdictional District Commissioner as well as by the Secretary to the Government of Assam in the Revenue & Disaster Management Department, Relief & Rehabilitation Branch and the speaking order be passed with release of the enhanced ex-gratia amount to the petitioner, herein, within a period of 4(four) months from the date of receipt of a certified copy of this order along with the representation as is now required to be filed in the matter, by the petitioner, herein.
9. With the above directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant