

GAHC010190322023



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

Case No. : WP(C)/4984/2023

CHRISHTINA BECK
D/O LT. GERGURI BECK @ GERGURI BEG, VILL-RANIPUR, P.O. AND P.S.-
KACHUGAON, DIST-KOKRAJHAR, BTR, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
RELIEF AND REHABILITATION BRANCH, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPARTMENT
DISPUR
GUWAHATI-06

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

4:THE BODOLAND TERRITORIAL REGION (BTR)
REPRESENTED BY ITS PRINCIPAL SECRETARY
KOKRAJHAR
DIST-KOKRAJHAR
BTAD
ASSAM
PIN-783370

5:THE DEPUTY COMMISSIONER
KOKRAJHAR
P.O.-KOKRAJHAR

DIST- KOKRAJHAR
BTAD
ASSAM
PIN-783370

6:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
P.O.-KOKRAJHAR
DIST- KOKRAJHAR
BTAD
ASSAM
PIN-783370

7:THE OFFICER-IN-CHARGE OF KACHUGAON POLICE STATION
P.O.-KACHUGAON
DIST- KOKRAJHAR
BTR
ASSAM
PIN-783350

8:THE CIRCLE OFFICER
GOSSAIGAON REVENUE CIRCLE
P.O.- GOSSAIGAON
DIST- KOKRAJHAR
BTR
ASSAM
PIN-78335

Advocate for the petitioner(s): Mr. MR Khandakar

Advocate for the respondent(s): Mr. S Baruah,
Government Advocate

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

25.07.2024

Heard Mr. MR Khandakar, the learned counsel appearing on behalf of the petitioner. Also heard Mr. S Baruah, the learned counsel appearing on behalf of the State respondents.

2. The instant writ petition has been filed by the petitioner claiming an ex-gratia grant of Rs.3,00,000/- on account of her deceased father, who was killed by unknown Bodo extremist on 15.09.1998 in terms with the Notification dated 22.06.2004 & 14.12.2004 and the Office Memorandum dated 29.07.2013.

3. The fact involved in the instant writ petition is that the father of the petitioner was killed by the extremists. The petitioner thereupon applied for grant of ex-gratia in terms with the Government Notification dated 22.06.2004. Subsequent thereto, there was another Office Memorandum issued on 29.07.2013 in that regard. The said Office Memorandum was issued in pursuance to the direction passed by the Division Bench of this Court in WP(C) No.3355/2007, whereby it was held that application for appointment to Government posts made prior to 22.06.2004 would survive even after coming into force of the new Policy in 2004. In Clause (v) of the said Office Memorandum dated 29.07.2013 it was further stipulated that in case of persons killed in extremist violence prior to 2004, but whose relatives did not apply for any appointment prior to 22.06.2004 and had applied after 22.06.2004 or may or may not have received ex-gratia grant under the 2004 Notification i.e. Rs.3,00,000/- they shall be given appropriate ex-gratia payment in terms with the Notification dated 22.06.2004 adjusting the amount already received, if any,

and they shall also be entitled to be considered under the Scheme envisaged in the Government Circular vide Notification dated 22.06.2004.

4. The petitioner herein claims that on account of her deceased father who was killed by unknown extremist on 15.09.1998, she had not been paid any ex-gratia payment till date. The petitioner thereupon had approached the respondent authorities on various occasions, but nothing has been done, for which, the instant writ petition has been filed.

5. This Court vide an order dated 30.08.2023 issued notice. It reveals from the record that an affidavit-in-opposition has been filed by the respondent No.2 through the Joint Secretary to the Government of Assam, Personnel (B) Department. Although nothing has been stated in the said affidavit pertaining to the specific entitlement of the petitioner, but various Notifications/Office Memorandums referred to hereinabove have been mentioned. In addition to that the respondent No.6 had also filed an affidavit-in-opposition thereby admitting to the fact that the case involved pertains to death caused on account of ethnic violence between the Bodo and the Adivashi community.

6. I have heard the learned counsels appearing on behalf of the parties and perused the materials on record.

7. Upon perusal of the materials on record, it transpires that one Chrishtina Beck, the petitioner, claims an ex-gratia payment of Rs. 3,00,000/- on account

of her deceased father, Late Gerguri Beck @ Gerguri Beg, who was killed by unknown extremist on 15.09.1998. There is no document available in the writ petition to show the relation of the petitioner *vis-a-vis* Late Gerguri Beck @ Gerguri Beg, except stating that Late Gerguri Beck @ Gerguri Beg is the father of the petitioner. From a reading of various Office Memorandums including the Office Memorandum dated 29.07.2013 the entitlement of the next of kin for an ex-gratia amount of Rs.3,00,000/- is there and in the instant case, the next of kin of Late Gerguri Beck @ Gerguri Beg would be entitled to an ex-gratia payment of Rs.3,00,000/-. But the same would be subject to necessary verification as to whether the petitioner herein is actually the next of kin of Late Gerguri Beck @ Gerguri Beg.

8. Accordingly, the instant writ petition, therefore, stands disposed of directing the Commissioner & Secretary to the Government of Assam, Personnel(B) Department to make necessary verifications through the Deputy Commissioner, Kokrajhar as to whether the petitioner herein is entitled to an ex-gratia amount of Rs.3,00,000/- on account of the death of Late Gerguri Beck @ Gerguri Beg being the next of kin of Late Gerguri Beck @ Gerguri Beg. If it is found that the petitioner is the next of kin of Late Gerguri Beck @ Gerguri Beg, the said ex-gratia amount of Rs.3,00,000/- be disbursed to the petitioner.

9. The said exercise be completed within a period of 5 (five) months from the date of submission of a certified copy of the instant order along with the Next of Kin Certificate by the petitioner to the Commissioner & Secretary to the Government of Assam, Personnel(B) Department.

JUDGE

Comparing Assistant