

GAHC010206772022



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

Case No. : WP(C)/6755/2022

BISHAYA BARUA @ BIKHAYA BARUAH AND ANR
W/O- LT. NARENDRA NATH BARUAH @ NAREN NATH BARUA, R/O- VILL-
RAHADHAR BIRKALA (BARUAPARA) P.O. PATHSALA, P.S.
PATACHARKUCHI, DST.- BAJALI, ASSAM, PIN- 781325

2: BANAJIT BARUAH
S/O- LT. NARENDRA NATH BARUAH @ NAREN NATH BARUA
R/O- VILL- RAHADHAR BIRKALA (BARUAPARA) P.O. PATHSALA
P.S. PATACHARKUCHI
DST.- BAJALI
ASSAM
PIN- 78132

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE
(RELIEF AND REHABILITATION) AND DISASTER MANAGEMENT DEPTT.,
DISPUR, GHY-06

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-06

3:THE DY. COMMISSIONER
BAJALI
ASSAM
P.O. AND P.S. BAJALI
PIN- 781325

4:THE CIRCLE OFFICER
BAJALI REVENUE CIRCLE
P.O. PATACHARKUCHI

DIST.- BAJALI
ASSAM
PIN- 781326

5:THE OFFICER-IN-CHARGE
PATACHARKUCHI P.S.
P.O. PATACHARKUCHI
DIST.- BAJALI
ASSAM
PIN- 78132

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

24.06.2024

Heard Mr. S. I. Akand, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate appearing for state respondent and Ms. N. Bordoloi, learned standing counsel, Revenue.

By filing this instant petition under Article 226 of the Constitution of India, the petitioners are seeking direction for releasing an amount of Rs.2,00,000/- as ex-gratia relief against the death of Lt. Narendra Nath Baruah i.e. husband/father of the petitioners as per the Government notification dated 15.11.2014 issued by the Government of Assam Revenue (Relief & Rehabilitation Branch) and Disaster Management Department, Dispur, Guwahati-06.

Heard the parties and perused the materials available on record.

It appears from the Next-of-Kins certificate enclosed as Annexure-3 to

the writ petition that the petitioners are the wife and son respectively of Lt. Narendra Nath Baruah/deceased. It further appears from the affidavit-in-opposition filed on behalf of the respondent No.3 on 07.03.2023 that the District Commissioner cum Chairman, DDMA, Bajali on 17.10.2023 after perusing the report submitted by the Jurisdictional Circle Officer and the jurisdictional Superintendent of police, Bajali and post-mortem report and on being satisfied, sanctioned Rs.2,00,000/- as ex-grating in favour of the petitioner No.1, Next-of-Kin of the deceased who died on 03.08.2017 due to road accident under Bajali Revenue Circle, Patacharkuchi as per the prescribed format. It further appears that the copy of the said order is forwarded to the Revenue and Disaster Management (RR Department) Government of Assam for taking necessary action to release the sanctioned amount.

Paragraph 3 of the aforesaid affidavit-in-opposition is reproduced here under for ready reference:

“ that the answering deponent begs to state that an order has been passed on 17.10.2023 after perusal the report submitted by the Circle Officer, Bajali Revenue Circle, Patacharkuchi and the Superintendent of Police, Bajali and Post Mortem Report of Fakhruddin Ali Ahmed Medical College & Hospital, Barpeta and on being satisfied, sanction was accorded as per revised items and norms of assistance under SDRF and NDRF for an amount of Rs.2,00,000/- (rupees two lakh) only as Ex-gratia in favour of Bishaya Baruah, Next of Kin of the deceased person Lt. Narendra Nath Baruah who died on 03.08.2017 due to road accident under Bajali revenue Circle, Patacharkuchi as per prescribed format. The copy of the order was forwarded to the Revenue & D.M. (RR) Department, Government of Assam for favour of necessary action to release the sanction amount. Payment of ex-gratia amount will be made subject to the availability of fund in respective Head of Accounts.”

In view of the aforesaid sanction, this Court is of the considered view

that this writ petition can be disposed of with a direction to the respondent No.1 to release the sanctioned amount within a period of two months from the date of receipt of the certified copy of the order.

Accordingly, the writ petition stands disposed of.

JUDGE

Comparing Assistant