

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION.9962 OF 2005

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the action of the respondents in not granting exgratia to the petitioner family under the '**Apathbandhu**' scheme in terms of Government Memo No.40477/Relief(1)/2000-1 dated 19.10.2000 and consequently direct the respondents to release the amount to the petitioner under the said scheme.

The petitioner is a Scheduled Caste Woman who is eking out her livelihood by doing agricultural labour. Due to electrocution caused at electric pole No.5510/88A in Achanta Village, Chinnapeta Area, the petitioner lost her husband M. Jaggaiah on 15.06.2001.

As the Apathbandhu scheme covers the persons belonging to Below Poverty Line Families in Andhra Pradesh against death resulting from accidents, the petitioner, who falls within the category of Below Poverty Line (BPL), applied to the Government for financial benefit under the said Apathbandhu scheme. No financial aid was provided by the respondents, despite of the petitioner's application dated 03.01.2004 seeking financial help and to sanction a pucca house under Apathbandhu scheme. Therefore, it is prayed that the petitioner being a woman belonging to Scheduled Caste Community is entitled to the benefits of Apathbandhu scheme as per the Government Memo No.40477/Relief (1)/2000 dated 19.10.2000 and prayed to pass the aforementioned order.

On behalf of the respondents, the first respondent filed counter and admitted that late M. Jaggaiah, husband of the petitioner, who was an agricultural labourer, died due to electrocution and Crime No.2/2001 was registered by the Station House Officer, Achanta Police Station.

It is specifically contended by the first respondent that, as per

Government Memo No.10410/Relief.I(I)/2001-1 dated 20.03.2001, the Government allotted only 87 cases to West Godavari District for the year 2000-2001 for the period from 02.10.2000 to 01.10.2001. As, late M. Jaggaiah died on 15.06.2001 and by the date of death of Jaggaiah, there were 107 cases already reported to the district administration for which Revenue Divisional Officers in the district were requested to send the proposals for sanction of relief under Apathbandhu Scheme vide letter in Roc.C5/8632/2000 dated 15.06.2001. It is further contended that, in the said letter that there are 107 cases reported so far and 45 cases were already sanctioned relief under the Apathbandhu Scheme and relief had to be sanctioned in the remaining 42 cases. Further, the death of the deceased M.Jaggaiah took place on 15.06.2001 which is within the period of 02.10.2000 to 01.10.2001, for which the government in their memo No.40477/Relief.1(1)/2000-1 dated 19.10.2000 have extended the accident insurance scheme for Below Poverty Line families from 02.10.2000 to 01.10.2001 and communicated copy of Memorandum of Understanding for implementation of the scheme. Due to completion of allocated cases to the West Godavari District, it was not possible for the district administration to extend the financial assistance under the scheme to the petitioner and prayed to dismiss the petition. Hence, it is contended that the respondents are not liable to pay any amount under the Apathbandhu Scheme.

The main endeavour of the learned counsel for the petitioner Sri K. Satyanarayana Murthy is that the respondents did not produce any material to establish that only 87 cases were allotted to the West Godavari District for extending financial assistance under the Apathbandhu Scheme and in such a case, the petitioner being the wife of the deceased M. Jaggaiah, who falls under the Below Poverty Line, as defined in the Apathbandhu Scheme is entitled to the scheme benefits, but whereas, the learned counsel for the respondents would contend that the district administration extended financial help to 87

cases who were allotted to West Godavari District and therefore, the respondents are not liable to pay any amount under the Apathbandhu Scheme to the petitioner.

Undisputedly, the petitioner and her husband belong to Scheduled Caste eking their livelihood by doing agricultural work and the deceased Jaggaiah falls under the category of Below Poverty Line as defined in the Scheme. The death of Jaggaiah caused due to electrocution is not in dispute, in view of the specific admissions in paragraph 3 of the counter filed by the first respondent and the same is supported by a copy of FIR dated 15.06.2001 in Crime No.28 of 2001 by Achanta Police Station, which clearly establishes that the death of Jaggaiah was caused due to electrocution. The Mandal Revenue Officer, Achanta, issued Legal Heir Certificate dated 02.09.2002, certifying that the petitioner and her two sons are the family members of the deceased M. Jaggaiah.

Undisputedly, the petitioner submitted an application for extending financial benefit under Apathbandhu Scheme, but the same could not be extended, as 87 cases alone were allotted to West Godavari District, as contended by the respondents. But the respondents did not furnish any document in support of their contention before this Court. The Government of Andhra Pradesh entered into Memorandum of Understanding with the New India Assurance Company Limited under Apathbandhu Scheme by paying Rs.8.00 crores covering the risk of 2000 deaths during the policy period from 02.10.2000 to 01.10.2001, whose death is accidental. But, the deaths due to snake bite or attack by animals are excluded under the Scheme. According to Clause (9) of the Scheme, the dependant spouse, minor children and parents are entitled for compensation. In pursuance of the scheme, the State Government issued memo No.40477/Relief.I(1)/2000-1 dated 19.10.2000 addressing all the District Collectors and marked a copy to the Sr. Divisional Manager, New India Assurance Company, R.T.C 'X' Roads, Hyderabad,

whereunder, the Collectors were requested to furnish information in proforma document for claim settlement as per annexure duly signed by the District Collector for each death case under new scheme invariably. There is no dispute regarding death of late M.Jaggiah within the period of coverage. The total coverage is only 2000 deaths under the Memorandum of Understanding entered into by the State of Andhra Pradesh and the New India Assurance Company under the Apathbandhu Scheme. The allotment of 87 cases to the West Godavari District is not evidenced by any documentary proof, so also pendency of 107 cases by the date of death of the petitioner is also not substantiated by any material. In the absence of any proof of allotment of 87 cases to West Godavari District and reporting of more than 107 cases pending with the office by the date of death of late M. Jaggiah, husband of the petitioner, such contention cannot be accepted.

Since the petitioner being a dependent on late M. Jaggiah whose death is accidental and entitled to claim benefits under Apathbandhu Scheme, is entitled to claim the benefits of the scheme, as the respondents failed to bring on record any documentary proof about allotment of 87 cases only to West Godavari District and extension of benefit under Apathbandhu Scheme to the dependents of more than 87 cases, prior to death of the husband of the petitioner.

Hence, the respondents are directed to consider the case of the petitioner and pay the benefits under Apathbandhu Scheme on account of untimely death of the petitioner's husband late M. Jaggiah on the fateful day of 15.06.2001.

With the above direction, the writ petition is disposed of.

Consequently, miscellaneous applications pending if any shall also stand closed. No costs.

JUSTICE M.SATYANARAYANA MURTHY

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