HIGH COURT OF TRIPURA
AGARTALA

W.P. (C) No.452/2020

Sri Jatu Biswas

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mr. Biplab Debnath, Advocate.

For Respondent(s) : Mr. D. Sharma, Addl. GA.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

19/11/2020.

On 30.09.2020, following order was passed by the Court:

> "Petitioner is son of one Murari Biswas who went missing on around 20th May, 2000. A missing persons report was lodged before the concerned Police Station at the relevant time. Since then, father of the petitioner has not been found. The case of the petitioner is that his father was in all likelihood abducted by extremists and must have been killed. The petitioner, therefore, seeks Government employment as per the scheme framed by the Government.
>
> The petitioner earlier filed WP(C) No.636/2019 for such purpose which was disposed of by an order dated 20th May, 2019 by which the Superintendent of Police, Khowai, was directed to inform the petitioner what was the outcome of the information that

was furnished to the Officer-inCharge of Teliamura Police Station on 1st June, 2000 (about the disappearance of the father of the petitioner). It was further provided that if prima facie extremist violence or action is proved to the cause of the death or the deemed death of the father of the petitioner, appropriate action be taken in accordance with the policy of the Government.

Counsel for the petitioner drew my attention to a letter dated 31st October, 2018 written by the Superintendent of Police, Khowai, addressed to the petitioner in which it is stated that on 20th May 2000, armed extremists had attacked Gilatali area and opened fire on members of the public resulting into death of about 20 persons. This letter further reveals that during investigation it was found that said group of extremists was responsible also for kidnapping Murari Biswas i.e. the father of the petitioner and 6 others. Attempts at recovering the kidnapped persons failed. A charge sheet was also filed. However, 14 accused are absconding. Counsel for the petitioner submitted that the said letter dated 31st October, 2018 was served on the petitioner much later and at any rate after disposal of his earlier writ petition.

Notice, returnable for ***19th November, 2020***.

The respondents shall place on record the scheme for Government employment or assistance to the next of kin of a citizen who has been kidnapped or killed in extremist violence.

Learned Additional Government Advocate, Mr. D Sharma, waives notice on behalf of State-respondents."

In response to the notice issued, the respondents have appeared and filed a reply dated 17.11.2020 in which following averments are made:

"7. That in response to averment made in para 6 to 10 of the writ petition it is stated that it is not a fact that the respondent no.2

is not considering the prayer of the petitioner. On receipt of the application the respondent no.2 has already taken initiative to give redress to the petitioner. In order to give redress the petition of the petitioner has been sent to the SDM, Teliamura for field Report. On receipt of the Report from SDM, Teliamura, proposal will be initiated to Revenue Department for consideration of the claim as per the Govt. guideline on the matter."

From the above quoted portion of the affidavit-in-reply of the Government, it can be seen that the respondents are also considering the grievances of the petitioner. However, such exercise is not yet completed. In facts of the present case, it is directed that the respondents shall complete such exercise within a period of four months from today, take a final decision on the entitlements of the petitioner in view of the death of his father and communicate the decision to the petitioner.

With these directions, the petition is disposed of. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

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