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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2753 of 2020

- Kekti Bai Sharma W/o Late Shri Hemprasad Sharma Aged About 50 Years Occupation- House Wife, Residence Of Ghotiya Road, Ward No. 26, P.S. And Tahsil- Kawardha, District- Kabirdham, Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, General Administration Department, Mahanadi Bhawan, Mantralay Nawa Raipur, Atal Nagar District- Raipur, Chhattisgarh

2. Secretary Home PKekti Bai Sharma W/o Late Shri Hemprasad Sharma Aged About 50 Years Occupation- House Wife, Residence Of Ghotiya Road, Ward No. 26, P.S. And Tahsil- Kawardha, District- Kabirdham, Chhattisgarh olice Department Mahanadi Bhawan, Mantralay Nawa Raipur, Atal Nagar District- Raipur, Chhattisgarh

3. The Director General Of Police Police Head Quarter, Nawa Raipur, Atal Nagar District- Raipur, Chhattisgarh

4. The Director Prime Minister, House Yojna Rural Unit, Indrawati Bhawan, Nawa Raipur, Atal Nagar District- Raipur, Chhattisgarh

5. The Inspector General Of Police Durg Range District- Durg, Chhattisgarh

6. The Collector Kabirdham, District- Kabirdham, Chhattisgarh

7. The Superintendent Of Police Kabirdham District- Kabirdham, Chhattisgarh

8. The Chief Executive Officer District Panchayat Kabirdham District- Kabirdham, Chhattisgarh **---- Respondents**

For Petitioner : Mr. Santosh Kumar Pandey, Advocate
For State : Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

24.11.2020

1. Heard.

2. The grievance of the petitioner in the present writ petition is that the

husband of the petitioner namely Late Shri Hemprasad Sharma died of naxal incident on suspicion that he was a Police informer. He was killed by the naxalites on 25.08.2018. The State Government thereafter considering the nature of naxalite atrocity paid an amount of Rs. 5 Lakhs to the petitioner, who is the wife of deceased in the form of a Fixed Deposit. It is stated that the policy of the State dated 16.11.2015 purports that the process of rehabilitation will be carried out by giving job within a specified time period of 120 days in the office level and 60 days in the State level. It is submitted that till date, no service is being given to the son of the deceased. Since the petitioner's entire money has been kept in a fixed deposit, therefore at this stage the limited prayer of the petitioner is that the State may be directed to rehabilitate them and give service to the son of the petitioner and to expedite the same, the petitioner may also be given liberty to make a representation to expedite the same.

3. I have heard learned counsel for the petitioner and perused the material available on record.

4. Perusal of the documents would show that because on the allegation that the petitioner's husband was police informer he was killed and for such reason the State has paid an amount of Rs. 5 Lakhs to the petitioner which has been placed in Fixed Deposit. The rehabilitation policy of the State who are affected in naxal incidents, the relevant part for purpose of the issue in hand reads as under:-

1. अ. नक्सली पीड़ित परिवार हेतु प्रकिया

(a)नक्सल पीड़ित व्यक्तियों द्वारा पुनर्वास हेतु पुलिस अधीक्षक को आवेदन प्रस्तुत किये जाने पर पुलिस अधीक्षक प्रकरण की वस्तुस्थिति का स्वयं परीक्षण कर प्रकरण आवश्यक दस्तावेजों सहित जिला स्तरीय समिति को अपने अभिमत के साथ अग्रेषित

करेंगे।

(b) जिला स्तरीय समिति आत्मसमर्पित नक्सली के प्रकरणों को पुलिस अधीक्षक से प्राप्त कर पुनर्वास की कार्यवाही हेतु प्रत्येक 02 माह में एक बार बैठक करेगी।

(c) पुनर्व्यस्थापन की कार्यवाही 120 दिन के अंदर पूरी कर ली जायेगी। इसके लिये संबंधित सभी विभागाध्यक्षों को अवगत कराया जायेगा तथा प्रत्येक विभाग उपरोक्त समयावधि में अपने विभाग से संबंधित कार्यवाही पूर्ण करेंगे। यदि किसी कारणवश जिला स्तर पर पुनर्स्थापना के किसी प्रकरण के निराकरण में कठिनाई होगी तो उसे राज्य–स्तरीय अंतर्विभागीय समिति के समक्ष प्रेषित किया जायेगा। प्रकरण प्राप्ति के 60 दिनों के अंदर समिति उसका निराकरण अवश्य करेगी।

5. Considering the policy of the State and the fact that the petitioner has already been paid an amount of Rs. 5 Lakh, the petitioner is given liberty to make a representation to respondents No. 5 & 6 to expedite the scheme of the rehabilitation within a specified time. The petitioner may file a representation within a period of four weeks from today and thereafter the process may be carried as expeditiously as possible, keeping in fact the time limit prescribed in the policy.

6. With the aforesaid direction/ observation, the writ petition stands disposed off.

sd/-
Goutam Bhaduri
Judge

Vishakha