

GAHC010134932023



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

Case No. : WP(C)/3673/2023

DEVI DUJ DAHAL
S/O- LATE CHIB BRA DAHAL, R/O- VILL.- PCHIM UMLAPHER, P.O.
UMPANAI, P.S. BOITHALANGSU, DIST. WEST KARBI ANGLONG, ASSAM,
PIN- 782413.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
RELIEF AND REHABILITATION DEPARTMENT
DISPUR
GHY-6.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL-B DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

5:THE DEPUTY COMMISSIONER
WEST KARBI ANGLONG
ASSAM
PIN- 782462.

6:THE CIRCLE OFFICER

DONKAMUKAM REVENUE CIRCLE
DIST. WEST KARBI ANGLONG
PIN- 782485

Advocate for the Petitioner : MR. A F N U MOLLAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 23.06.2023

Heard Mr. A.F.N.U. Mollah, learned counsel for the petitioner. Also heard Ms. M. Barman, learned Govt. Advocate for respondent nos.1, 3, 5, and 6, and Ms. S. Chutia, learned counsel appearing on behalf of Mr. P. Nayak, learned standing counsel for the respondent nos.2 and 4.

The brother of the petitioner, namely, Ganesh Shyam Dahal was killed by extremist in the year 2000. There is no dispute that as per the scheme that was prevailing at that point of time, *ex gratia* to the extent of Rs.1,00,000/- (Rupees one lakh only) as applicable was paid to the petitioner. It is projected that vide subsequent notification dated 22.06.2004 (Annexure-3), the earlier applicable Assam Public Services (Appointment of Family Members of Persons Killed by Extremists/Terrorists) Rules, 1992 was repealed and the *ex gratia* paid to the next of kin of persons killed by extremists was enhanced to Rs.3,00,000/- (Rupees three lakh only). Accordingly, this writ petition has been filed under Article 226 of the Constitution of India, claiming enhanced additional *ex gratia*.

Issue notice returnable in 4 (four) weeks.

Requisite extra copies of the writ petition be furnished to the learned State and departmental counsel in course of the day.

The pendency of this writ petition shall not be a bar for the respondent authorities to examine the claim of the petitioner and pay enhanced *ex gratia* if found due.

Registry shall reflect the name of standing counsel, Revenue & Disaster Management Department in the cause list while listing the matter next.

List after 4 (four) weeks.

JUDGE

Comparing Assistant