

GAHC010134932023



undefined

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, K ZAMAN,MR M RAHMAN

Advocate for the Respondent : GA, ASSAM, SC, REVENUE AND DISASTER MANAGEMENT DEPT,MR P NAYAK (R-2 & R-4),MS. S CHUTIA (R-2 & R-4),MS. M BARMAN (R-1, R-3, R-5 & R-6),SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18.03.2026

Heard Mr. A.F.N.U. Mollah, learned counsel, appearing for the petitioner. Also heard Ms. M. Barman, learned Government Advocate, appearing for the respondent nos.1, 3, 5 & 6; Mr. A. Bhattacharjee, learned Standing Counsel, Revenue & Disaster Management Department, appearing for the respondent no.2; Mr. A. Chaliha, learned Standing Counsel, Finance Department, appearing for the respondent no.3.

2. The petitioner by way of instituting the present writ petition has prayed for a direction upon the respondent authorities for releasing an additional ex-gratia amount of Rs.2,00,000/- (Rupees Two Lakhs) on account of the death occasioning to his brother on account of extremist activities.

3. The petitioner has projected that his brother namely Ganesh Shyam Dahal was killed by extremist way back in the year 2000. It is further projected that in terms of the scheme in force at the relevant point of time an amount of Rs.1,00,000/- (Rupees One Lakh) was authorized to

the wife of brother of the petitioner, as ex-gratia compensation for the death of the petitioner's brother. However, the said ex-gratia compensation amount was enhanced by a subsequent notification dated 22.06.2004 and the ex-gratia amount now payable was enhanced to Rs.3,00,000/-(Rupees Three Lakhs).

4. Subsequent thereto, another Office Memorandum came to be issued on 29.07.2013. The said Office Memorandum was issued in pursuance to the direction passed by the Division Bench of this Court in WP(C) No.3355/2007. In Clause (v) of the said Office Memorandum dated 29.07.2013, it was stipulated that in case of persons killed in extremist violence prior to 2004 but whose relatives did not apply for any appointment prior to 22.06.2004 and had applied after 22.06.2004 and may or may not have received ex-gratia grant under the 2004 Notification i.e. Rs.3,00,000/- they shall be given appropriate ex-gratia payment in terms with the Notification dated 22.06.2004 adjusting the amount already received if any and they shall also be entitled to be considered under the Scheme envisaged in the Government Circle vide Notification dated 22.06.2004.

5. In view of the provisions of the notifications dated 29.07.2013, the enhanced ex-gratia amount of Rs.3,00,000/- (Rupees Three Lakhs) is also required to be authorized in respect of persons killed on account of extremist violence prior to 22.06.2024. Accordingly, on account of the death occasioning in respect of the brother of the petitioner, which is due to extremist violence, the wife of the brother of the petitioner would be entitled to the enhanced compensation of Rs.3,00,000/- (Rupees Three Lakhs).

6. The wife of the brother of the petitioner having already been

authorized Rs.1,00,000/- (Rupees One Lakh), the balance amount of Rs.2,00,000/- is now required to be authorized to the wife of the petitioner. This Court further finds from the affidavit filed by the respondent no.5, that a proposal for authorizing to the wife of the petitioner, the additional ex-gratia compensation of Rs.2,00,000/- (Rupees Two Lakhs) was already processed however on account of lack of funds, the said amount could not be released to the family of the petitioner.

7. In view of the above position, the respondent authorities are directed to authorize an amount of Rs.2,00,000/- (Rupees Two Lakhs) to the wife of the brother of the petitioner namely Tika Maya Devi after carrying out requisite verification processes in tune with the earlier ex-gratia amount of Rs.1,00,000/- (Rupees One Lakh) already released to her, within a period of 3 (three) months from the date of furnishing of a certified copy of this order before the Deputy Commissioner, West Karbi Anglong, Assam, i.e. the respondent no.5.

8. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant