

GAHC010202322021



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

Case No. : WP(C)/6694/2021

VINCENT DAIMARY
S/O LT. SUMENDRA DAIMARY, R/O VILL KALBARI, PO SASTRAPARA, PS
AND DISTRICT UDALGURI, BTC (BTR), ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, FINANCE DEPARTMENT, ASSAM, DISPUR, GUWAHATI-781006

2:THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI-781006

3:THE ADDITIONAL CHIEF SECRETARY REVENUE AND DISASTER
MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-6

4:THE DEPUTY COMMISSIONER
UDALGURI
BTC (BTR)
ASSAM
PIN-784509

5:THE DEPUTY COMMISSIONER
DARRANG
MANGALDOI
PIN-784125

6:THE BODOLAND TERRITORIAL COUNCIL
REP BY THE PRINCIPAL SECRETARY

KOKRAJHAR
BTAD (BTAR)
ASSA

Advocate for the Petitioner : MR. R M CHOUDHURY

Advocate for the Respondent :

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

22-12-2021

Heard Mr. R. M. Choudhury, learned counsel for the petitioner and Mr. R. Barpujari, learned Standing counsel, Finance Department of the State as well as the Revenue and Disaster Management Department for the respondent Nos. 1 & 3. Also heard Ms. S. Sarma, learned Government Advocate, Assam for the respondent Nos. 2, 4 & 5 and Mr. S. R. Rabha, learned Standing counsel, BTC for the respondent No. 6.

It is stated that the petitioner's father, namely, Sumendra Daimary, a resident of Village Kalbari of Udalguri district under BTC was killed by the Bodo Extremists/Terrorists on 26.06.1989 and the said incident was registered as Udalguri Police Station Case No. 126/1989 under Section 302/34 IPC.

The petitioner was earlier paid Ex-gratia grant of Rs. 1,00,000/- in terms of the Assam Public Service Appointment of Family Members of Persons killed by Extremist/terrorist Rules, 1992 which was repealed subsequently.

Petitioner stated that the Government of Assam in the Revenue and Disaster Management Department (Relief and Rehabilitation Branch) vide Notification No. RR. 33/2014/66 dated 15.11.2014 revised the quantum of relief of ex-gratia grant payable to the Next of Kin of persons who were killed by the Extremist/miscreant upto Rs. 5,00,000/-.

Petitioner further stated that the Government of Assam in the Finance (Establishment-B) Department vide notification No. FEB.33/2014/1(B/S) dated 06.12.2014 delegated the power to all the Deputy Commissioners for sanctioning Ex-gratia grant to the Next of Kin of persons who were killed by the extremists/terrorists upto Rs. 5,00,000/-.

As such, the petitioner has preferred this writ petition for a direction to the respondents to pay him revised quantum of Ex-gratia grant being the Next of Kin of his late father, Sumendra Daimary, who was killed by the unknown Bodo miscreants/extremists.

Issue notice, returnable by **09.01.2022**.

As Mr. R. Barpujari, learned Standing counsel, Finance Department of the State as well as the Revenue and Disaster Management Department; Ms. S. Sarma, learned Government Advocate, Assam and Mr. S. R. Rabha, learned Standing counsel, BTC, have accepted the notices on behalf of the respondent Nos. 1 & 3; 2, 4 & 5 and 6 respectively, no formal notice need to be issued to those respondents.

Petitioner shall serve requisite extra copies of this writ petition including the annexures appended thereto to Mr. R. Barpujari, learned Standing counsel, Finance Department of the State as well as the Revenue and Disaster Management Department; Ms. S. Sarma, learned Government Advocate, Assam and Mr. S. R. Rabha, learned Standing counsel, BTC, by tomorrow, i.e., 23.12.2021, obtaining necessary acknowledgment from them in that regard.

Pendency of this writ petition shall not be a bar for the respondents to pay and release any such revised quantum of Ex-gratia grant to the petitioner, if any, in terms of said Notification dated 15.11.2014 of the State Government of Assam, noted above, subject to the production of valid 'Next of Kin Certificate' by him pertaining to the deceased Sumendra Daimary, and as per his entitlement, following the just procedure and in accordance with law, if there is no other impediment in releasing the same to him.

Registry shall reflect the name of Standing counsel, Revenue and Disaster Management Department along with the Standing counsels, Finance Department as well as BTC and the Government Advocate, Assam in the cause list against this item.

List accordingly.

JUDGE

Comparing Assistant