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

Case No. : WP(C)/6935/2023

PAPIYA GHOSH GUHA
W/O- LT. SUSANTA KUMAR GUHA,
C/O- DIPTI RANJAN GUHA,
R/O- PANDU PORT ROAD,
ADABARI RAILWAY COLONY,
NEAR BARUAH HIGH SCHOOL,
P.O.- PANDU, P.S.- JALUKBARI,
DIST- KAMRUP(M), ASSAM,
PIN- 781012.

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY OF FINANCE MINISTRY,
GOVT. OF INDIA, NEW DELHI-1.

2:THE SECRETARY OF THE RAILWAY
GOVT. OF INDIA
NEW DELHI-1.

3:THE DIRECTOR OF ESTT. (WELFARE)
RAILWAY BOARD
NEW DELHI-1.

4:THE FINANCIAL COMMITTEES / RAILWAYS
NEW DELHI-01.

5:THE GENERAL MANAGER
NORTH EAST FRONTIER RAILWAYS
MALIGAON
ASSAM
GHY-11.

6:THE PRINCIPAL CHIEF SECRETARY COMMISSIONER
NORTH EAST FRONTIER RAILWAY
MALIGAON
ASSAM
GHY-11.

7:THE DIVISIONAL SECURITY COMMISSIONER
NORTH EAST FRONTIER RAILWAY
ALIPURDUAR JN.
WEST BENGAL
PIN- 736121.

8:THE TREASURY OFFICER
KAMRUP(M)
ASSAM
HENGRABARI
GHY-06

Advocate for the Petitioner : MR. M U MONDAL, MR A ALIM SK,MR K ISLAM,J ISLAM

Advocate for the Respondent : DY.S.G.I., SC, FINANCE DEPTT.,MR. K GOGOI (r-1)

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 18-09-2025

Heard Mr. M. U. Mondal, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned counsel appearing for the respondents .

The petitioner claims relief under the circular dated 25.11.2016 issued by the Ministry of Railways to regulate the ground of Ex-Gratia Lum Sum compensation to the families of Railway Employees who died in harness in performance of bonafide official duties. The petitioner claims that her husband had expired while performing his duties to control a Hawker's Mob at NCB Station, who were protesting the arrest of Hawker's.

Therefore, the petitioner claims that the death of her husband would be covered by clause (a) & (b) of the circular dated 25.11.2016, i.e., death in the course of performance of duties and death in the course of performance of duties attributed to acts of violence by terrorists, anti-social elements, etc.

Mr. K. Gogoi, learned counsel has submitted before the Court that the husband of the petitioner was performing his routine duties which also includes protection of the property of the railway from groups and, therefore, no compensation would be payable for the incident.

We have noticed that there is no inquiry made by the respondent authorities regarding the course or manner of death of the husband of the petitioner and, therefore, it is difficult to ascertain whether his death was due to an act of violence by terrorists, anti-social elements or a group.

Mr. Gogoi, learned counsel seeks some time to take instructions as to whether any inquiry was held and if not held, if any such inquiry can be held if so provided in the relevant acts and rules.

Mr. Gogoi, learned counsel has also raised the issue that the husband was a member of the Railway Protection Force and the circulars issued by the Ministry of Railways for relief granted to families of Railway servant who expired during service would not *ipso facto* be applicable to the case of the husband of the petitioner.

List the matter again on 29.10.2025, to enable Mr. Gogoi, learned counsel to get his instructions on the matter. The learned counsel for the petitioner shall also be at liberty to bring on record any notification/circular

by which the provisions of the memorandum dated 25.11.2016 is made applicable to the members of the Railway Protection Force.

JUDGE

Comparing Assistant