

WP(C) 3722/2010

BEFORE

THE HON'BLE MR. JUSTICE ASOK POTSANGBAM

Heard Mr. D.Senapati, learned counsel appearing for the petitioner and Mrs. HM Phukan, the learned Govt. Advocate appearing for the official respondents.

The petitioner herein is the wife of one late Reba Gogoi who, while working as escort to the Inspector General of Police, Govt. of Assam, met with an accident on 11.1.2006 and he later on succumbed to his injuries. The petitioner had approached the Motor Accident Claims Tribunal at Jorhat for compensation by filing MACT Case No. 17/2006 under section 166 of the Motor Vehicle Act, 1988, wherein the Secretary, Home Affairs, Govt. of Assam, Inspector General of Police, Govt. of Assam, the Commandant 7th Assam Police Battalion, Kokrajhar, BTAD and one Shri Somar Brahma were impleaded as opposite party/respondents. The learned Tribunal, after hearing the parties, disposed of the aforesaid MACT case No. 17/2006 on 1.2.2007 by granting an award for a sum Rs.8,01,500.00 including the amount for no fault liability i.e. Rs.30,000.00. The award also stipulates that interest @ 6% will be levied on the awarded amount from the date of the claim petition i.e. 4.3.2006, till the full realization of the awarded amount.

It is submitted by the learned counsel appearing for the petitioner that by way of complying with the award as mentioned above, sanction for an amount of Rs.8,01,500.00 was accorded and the same was conveyed vide communication dated 4.12.2008 but the same was found to be incorrectly calculated, in the sense that the interest as well as the no fault liability were not included in the sanction. Thereafter, the matter was re-processed at the Govt. level for payment of the awarded amount and this evident from the communication dated 26.4.2010 which was issued to the Deputy Secretary, Home(c) Department by the Assistant Inspector General of Police(R), Ulubari, Guwahati for according sanction for a sum of Rs.10,01,300.00, being the correctly calculated amount. The grievance of the petitioner is that her late husband expired in the year 2006 and though an award for compensation was granted by the MAC Tribunal in the early part of 2007, the petitioner has not been paid any part of the compensation amount awarded by the Tribunal and, therefore, she prays for a direction to the respondents to expedite the process for sanction and payment of the amount already submitted to the government by the Office of the Assistant Inspector General of Police (R) Ulubari, Guwahati.

I find the prayer of the petitioner is reasonable and justified.

Mrs. Phukan, learned Govt. Advocate appearing for the Respondents, has no objection in disposing of the case with the direction to the respondents to expedite the issuance of the sanction and payment as proposed in Annexure -3 to the writ petition.

In view of the above, Respondent Nos. 1,4 and 5 are directed to expedite the process for according sanction and payment of the amount of Rs.10,01,300/- mentioned in the communication dated 26.4.2004 (Annexure-3) to the writ petitioner within a period of 2 months from the date of receipt of a certified copy of this order. The petitioner shall be at liberty to submit an application along with a certified copy of this order to the respondents for due compliance.

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