

BEFORE

HON'BLE MR JUSTICE ARUP KUMAR GOSWAMI

Heard Mr. H. R. Ahmed, learned counsel for the petitioners. Also heard Mr. J. Handique, learned State counsel, Mr. H. K. Mahanta, learned standing counsel, Personnel (B) Department, Mr. B. Gogoi, learned Standing counsel, Finance Department, as well as Ms. R. B. Bora, learned Standing counsel, BTC, appearing for the respondents.

14 (fourteen) petitioners have filed this writ petition praying for a direction to the respondents to pay the remaining part of the ex-gratia amount they are entitled to as compensation on account of the persons killed by extremists. In paragraph 2 of the writ petition, the petitioners have indicated their relationship with the persons killed by the extremists.

It is submitted by the learned counsel for the petitioners that the near relatives of the petitioners were killed by the extremists during the period from 1995 to 2004 and as per the earlier policy, they were paid ex-gratia amount of Rs.1,00,000/- (Rupees One Lakh).

Placing reliance on the Office Memorandum dated 29th July, 2013 (Annexure-7), it is contended that the petitioners, in terms of Clause-V of the said Office Memorandum, are entitled to receive Rs. 3,00,000/- (Rupees Three Lakhs) and that they having already been paid Rs. 1,00,000/-, they are entitled to get the remaining amount of Rs.2,00,000/-. For a ready reference, Clause-V of the Office Memorandum dated 29th July, 2013 is reproduced below:-

v) In case of persons killed in extremist violence prior to 2004, but whose relatives did not apply for any appointment prior to 22nd June, 2004 and had applied after 22nd June 2004 and may or may not have received ex-gratia grant under 2004 notification i.e. Rs.3.00 Lakhs, - (a) they shall now be given appropriate ex-gratia payment as per No.ABP 121/92/Pt-V/136 dated 22-6-2004 adjusting the amount already received if any and (b) they shall also be entitled to be considered under the scheme envisaged in the Government Circular above i.e. No.ABP 121/92/Pt-V/136 dated 22-6-2004.

In view of the above, the writ petition is disposed of directing the respondents to make an enquiry as to whether the petitioners were paid any amount as ex-gratia under the Assam Public Services Appointment of Family Members of Persons Killed by Extremist/Terrorist Rules, 1992 or under the Notification dated 22.06.2004 and if they were so paid and if the further sum of Rs.2,00,000/- (Rupees Two Lakhs) as ex-gratia was not paid, the said amount shall be paid within a period of 4(four) months from the date of receipt of the certified copy of this order.

Petitioners may obtain a certified copy of this order and produce the same before the authorities, along with the copy of the writ petition and its enclosures, for doing the needful in terms of this order.