

Madhuri Devi Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : May-10-2006

Reported in : [2006(3)JCR264(Jhr)]

Judge : S.J. Mukhopadhaya, J.

Appeal No. : WP(S) No. 101 of 2005

Appellant : Madhuri Devi

Respondent : State of Jharkhand and ors.

Advocate for Def. : H.K. Singh, S.C.I.

Advocate for Pet/Ap. : P. Kumar, Adv.

Disposition : Petition allowed

Judgement :

ORDER

S.J. Mukhopadhaya, J.

1. This writ petition has been preferred by the petitioner for a direction on the respondents to pay her compensation amount of Rs. One lakh and for further direction on the respondents to consider her case for appointment in the services of the State, her husband late Naresh Dangi having killed by extremists (MCC

organisation).

2. According to petitioner, her husband late Naresh Dangi was running a business in the home district of Chantra. He used to assist the police to apprehend the extremists. On 19th November, 1999, when the deceased, Naresh Dangi left for village Belharat about 4 a.m. and reached there at about 5 a.m., the extremists kidnapped and brought him in a jungle and committed his murder by cutting into several pieces alleging him to be a spy of the police. The incidence was reported and FIR was lodged against 8-10 unknown extremists being Itkhor PS case No. 100 of 1999.

3. The grievance of the petitioner is that the respondents have not paid her compensation, which should not be less than Rs. one lakh nor considered her case for appointment on compassionate ground.

4. Counsel for the State submitted that as per the old guideline, circulated vide letter No. 1701 dated 21st September, 1987, a sum of Rs. 20,000/- was payable. The State of Jharkhand from its Home Department issued guideline contained in letter No. 3002 dated 8th November, 2001 enhancing to Rs. 50,000/- as compensation. By subsequent letter dated 18th, May, 2003, it was also decided to consider the case of a dependent of the deceased for appointment in the services of the State, if killed by extremists and the deceased had no criminal antecedent. It was further submitted that the widow has already been paid a sum of Rs. 60,000/- as compensation.

5. It appears that similar case fell for consideration before this Court in 'Sametri Devi and Anr. v. State of Jharkhand and Ors. WP (C) No. 3233 of 2002. In the said case, the husband of said Sametri Devi (supra) was brutally murdered by extremists called MCC. Having noticed that in similar circumstances, the Government had already paid a sum of Rs. One lakh by way of compensation to the heirs of other deceased persons, who have been brutally murdered by extremists, by Judgment dated 3rd March, 2003 compensation amount of Rs. One lakh was allowed by this Court in favour of Sametri Devi (supra) and the aforesaid order was also affirmed by a Division Bench vide order dated 10th March, 2005 passed in LPA No. 507 of 2004 State of Jharkhand and Anr. v. Samitri Devi and

Anr.

6. In the facts and circumstances and taking into consideration of the age of the deceased, this Court is of the view that minimum a sum of Rs. one lakh should be paid towards compensation to the widow of the deceased.

7. So far as compassionate appointment is concerned, it appears that in terms with the Government resolution, the case of similarly situated person has been considered by a Committee consisting of Deputy Commissioner, Chatra, Superintendent of Police, Chatra and three others and recommended his name and others for compassionate appointment vide Memo No. 1036 dated 12th November, 2004 but the case of the petitioner has not yet been considered.

8. Having regard to the facts and circumstances, the case is remitted with a direction to the respondents to pay the petitioner the total compensation amount of Rs. One lakh after adjusting the compensation amount already paid in her favour and thereby to pay her the rest of Rs. 40,000/-(forty thousand) within one month from the date of receipt/production of a copy of this order, failing which the respondents will be liable to pay the interest @ 8% per annum from the date of death of the deceased.

9. The Deputy Commissioner, Chatra and Superintendent of Police, Chatra are also directed to place the case of petitioner before the appropriate Compassionate Appointment Committee for consideration of her case for compassionate appointment in terms with the guideline issued by the State vide Resolution dated 18th May, 2003 and pass an appropriate order, within two months from the date of receipt/production of a copy of this order, failing which the respondents will be liable to pay a cost of Rs. 10,000/- (ten thousand) in favour of petitioner.

10. The petitioner will produce a copy of this order before the concerned officer, including the Deputy Commissioner, Chatra and S.P., Chatra.

11. This writ petition is allowed, with the aforesaid observations and directions:

12. Let a copy of this order be handed over to the counsel for the parties.

