

---

**(2016) 04 MAN CK 0001**  
**In the Manipur High Court**  
**Case No : W.P. (C) No. 838 of 2013**

Naorem Ongbi Sunita Devi

APPELLANT

Vs

The State of Manipur and Others

RESPONDENT

---

**Date of Decision :** 05-04-2016

**Acts Referred:**

Constitution of India, 1950 — Article 14

**Citation :** (2016) 04 MAN CK 0001

**Hon'ble Judges :** Kh. Nobin Singh, J.

**Bench :** Single Bench

**Advocate :** N. Umakanta, Advocate, for the Appellant; Samarjit Hawaibam, GA, for the Respondent

**Final Decision :** Disposed off

---

## Judgement

Kh. Nobin Singh, J.—1. Heard Shri N. Umakanta, learned counsel appearing for the petitioner and Shri Samarjit Hawaibam, learned Government Advocate appearing for the respondents.

2. The instant writ petition has arisen out of an unfortunate incident of bomb blast in which the husband of the petitioner sustained multiple injuries and accordingly, the petitioner has prayed for issuing a writ of mandamus directing the respondents to reimburse a sum of about Rs. 3.5 lakh (Rupees three lakh and fifty thousand) incurred by her towards treatment of her husband and also for payment of compensation amounting to a sum of Rs. 10 lakh (Rupees ten lakh).

3.1. According to the petitioner, she is the wife of Shri N. Ibomcha Singh, the injured person and a resident of Chingamakhong, Imphal. Her family consists of herself, her injured husband, two minor sons and over and above, her husband was/is to look after his two minor brother, sister and widow mother. The petitioner's husband used to earn a sum of about Rs. 6,000/- (Rupees six thousand) per month working as Fish Cutter located at Chingamathak, Imphal.

On 22-11-2012, at about 6:15 p.m. when the petitioner's husband was returning home, a powerful bomb blast took place at the foothill of Chinga Hill which is being occupied by the Army/Para-military Personnel. Immediately after the bomb blast, the petitioner's husband was taken to the Regional Institute of Medical Sciences (RIMS), Lamphelpat and on examination by the Doctors, the petitioner's husband was found to have suffered multiple injuries in different parts of his body namely (a) lungs were ruptured; (b) throat had been perforated by the splinters of the bomb; (c) legs were partially blown away; (d) eyes and ear drum had been badly damaged; (e) face became disfigured; (f) suffered head injury causing loss of memory and normal physical sense, etc. In short, the petitioner's husband was critically injured and was almost nearing death, as is evident from the photographs filed along with the writ petition. In order to save his life, an emergency surgical operation was performed upon her husband for which many life saving drugs and medical equipments had to be bought from the market. As the petitioner did not have sufficient means to buy those drugs and medical equipments, she had to take some of them on credit. Although the petitioner's husband was required to undergo further treatment staying in the hospital, the petitioner's husband got discharged from the hospital on 4-1-2013 for want of money.

3.2. Since all the required surgical operations of the petitioner's husband could not be done at RIMS on account of lack of specialised equipments such as the "C-Arm", the petitioner's husband was advised to undergo such surgical operation at a private hospital and accordingly, the petitioner's husband was admitted at Shija Hospital and Research Institute, Langol as Out Patient. The management of the Shija Hospital had estimated that a sum of Rs. 95,000/- (Rupees ninety five thousand) would be required for surgical operation for removing the foreign bodies. However, as the petitioner is not in a capacity to bear the expenses, the petitioner's husband is yet to be operated upon. The petitioner's husband has permanently lost sight in one of the eyes for which he was advised immediate surgery which has probably been done during the pendency of the writ petition. Likewise, the petitioner's husband has become deaf in one of the ears. Some of the bomb splinters/shrapnel are still lodged in his neck and chest which are threatening day to day life of the petitioner's husband. Over and above, the petitioner's husband has to undergo plastic surgery on his face and reconstruction of the leg besides physiotherapy and psychological counselling. By the time when the petitioner's husband was discharged from the hospital, the petitioner had already incurred about Rs. 3.5 lakh towards treatment of her husband. To meet the said expenses, the petitioner had to take loan also from her friends and relatives which are yet to be fully re-paid by her.

3.3. After the said bomb blast that took place on 22-11-2012 and while the petitioner's husband was undergoing treatment at RIMS, the petitioner submitted her representations dated 29-12-2012 to the Hon'ble Chief Minister, the Deputy Chief Minister who is in charge of the Home Department and the Principal Secretary (Home), Government of Manipur for grant of ex-gratia,

compensation and compassionate appointment in view of her husband becoming incapacitated, followed by another representation dated 12-6-2013 addressed to the respondents herein praying for reimbursement of the said medical expenses incurred towards treatment of her husband. But the said representations have not been considered at all and are still pending for disposal by them. As the respondents failed to take appropriate steps towards providing aid to the petitioner, the instant writ petition had been filed by the petitioner on the inter-alia ground that in similar cases, the State Government had taken decision to bear expenses of the injured victims irrespective of the treatment either at the Government Hospital or at the Private Hospital. The petitioner has also relied upon the judgment and order dated 27-08-2010 passed by the Hon''ble Gauhati High Court, Imphal Bench in W.P. (C) No. 36 of 2010.

3.4. Despite a number of opportunities being granted to the respondents by this court for filing counter, they have failed to do so for the reason best known to them.

4. In view of the decisions rendered by the Hon''ble Supreme Court in the cases of *Naseem Bano (Smt.) Vs. State of U.P. & ors.*, 1993 Supl (4) SCC 46; *State of Assam Vs. Union of India*, (2010) 10 SCC 403; *Asha Vs. Pt. B.D. Sharama University of Health Sciences & ors.*, (2012) 7 SCC 389 wherein the Hon''ble Supreme Court has held that an averment made in the petition is expected to be specifically denied by the replying party and if there is no specific denial, such averment is deemed to have been admitted by the respondent, it is well settled that in case the averments made in the petition are not denied or controverted by the respondents therein, the same shall be deemed to have been admitted by them. As has been stated in the preceding para, no counter has been filed on behalf of the respondents denying the averments made in the writ petition and therefore, in terms of the said law laid down by the Hon''ble Supreme Court, the instant writ petition could have been allowed straightway but for the submission made by the learned Government Advocate that the petitioner is not entitled to reimbursement of the expenses incurred by her towards medical treatment of her husband and alternatively, since it has been submitted by the learned Government Advocate that the petitioner has not furnished all the documents to substantiate her claim that she had already spent about Rs. 3.5 lakhs, this court proposes to consider them. As regards the main contention of the learned Government Advocate, the same need not be decided at all for the reason that the learned counsel appearing for the petitioner has not submitted that the petitioner is entitled to reimbursement as of right under the provisions of a particular law of the State Government and all that he submitted is that since the State Government had granted benefits of reimbursement or compensation in respect of persons who sustained injuries in such similar incidents of bomb blast, the petitioner is entitled to equal treatment by granting a similar relief and denial of such relief is violative of Article 14 of the Constitution of India.

5. It is known to all and it cannot be denied by the State Government that such

bomb blast takes place quite often in the State of Manipur, on account of law & order problem being faced by the State Government for the last many years, causing death or injuries upon the citizens. In the writ petition, the petitioner has made specific averments that in respect of similar incidents, the State Government had not only given compassionate and medical reimbursement to the victim but also had given compassionate appointment to the members of the victim's family and one such similar incident was the one occurred at Kwatha in the year 2013 in which the State Government had approved the appointment of the victim's daughter to a Government post commensurate with her educational qualification. Over and above, the learned counsel appearing for the petitioner has heavily relied upon the judgment and order dated 27-8-2010 passed by the Hon'ble Gauhati High Court, Imphal Bench in WP (C) No. 36 of 2010 wherein the petitioner therein sustained injuries in a bomb blast that took place in front of Subha Hospital, RIMS Road, Imphal, the Hon'ble High Court directed the respondents therein to sanction an amount of Rs. 3,44,551/- (Rupees three lakh forty four thousand five hundred and fifty one) being the medical expenditure incurred by the petitioner. An appeal being W.A. No. 24 of 2011 preferred by the State Government against the judgment and order dated 27-8-2010 was dismissed by this court on 26-3-2015.

6. The State Government being an institution, ought to act fairly and reasonably. The callous attitude being shown to by the State Government in the present case is highly surprising and unfortunate. It may be noted that while dismissing the said writ appeal being W.A. No. 24 of 2011, this court has held that it did not find any reason to discriminate between an injured person who sustained injury near ISCON and the respondent sustained injury near the hospital and that they all stand on the same footing. Similar is the case with the present one also which cannot be said to be different from the above two incidents occurred near ISCON and hospital. Moreover, in respect of the incidents of bomb blasts near ISCON and at Ragailong, the Department of Home, Government of Manipur addressed two letters dated 22-8-2006 and 29-10-2008 to the Director of Health Services, Manipur informing that fees for medical treatment be not charged from the victims and necessary documents/bills be furnished to it. In the said letter dated 22-8-2006, it is specifically stated that the State Government has decided to bear the expenses on medical treatment of those persons injured in the ISCON bomb blast who were undergoing treatment at various hospitals, mentioned therein, including three private hospitals. It appears that such letter was not written by the Home Department nor was any decision taken by the State Government to bear the expenses incurred on medical treatment in respect of the present incident. From the documents filed by the petitioner including the photographs, it cannot be said that the injuries suffered by the petitioner's husband are less than that of any of the injured persons in respect of the bomb blast near ISCON and at Ragailong. It may be noted that Article 14 of the Constitution of India mandates that all persons similarly situated ought to be treated equally and any act of discrimination is anathema to it. Moreover, no

material has been brought on record by the respondents to show that the petitioner's husband is involved in the said bomb blast or is responsible for it. It is an undeniable fact that it is the duty of the State Government to maintain law and order in the State and to protect the lives of its citizens. It is thus seen that the State Government has meted out a step motherly treatment to the petitioner's husband which is highly discriminatory and is consequently violative of Article 14 of the Constitution of India. Moreover, despite the said representations being submitted by the petitioner, the State Government has not bothered at all and has accordingly failed to consider them and her request has fallen on deaf ears of the State Government.

7. As regards the alternative submission of the learned Government Advocate, it is true that the petitioner has not produced all relevant documents to justify her claim for reimbursement of Rs. 3,50,000/- (Rupees three lakh and fifty thousand). On 19-2-2016, this court granted the learned counsel appearing for the petitioner some time for filing an additional affidavit in respect thereof and in compliance thereof, the learned counsel appearing for the petitioner filed an additional affidavit enclosing therewith certain documents in respect of the expenditures incurred by her prior to and after the filing of the present writ petition. In the additional affidavit, it has been stated that as most of the expenses incurred during the treatment was on emergency basis, all the expenditures could not be accounted formally by way of bills, case memoranda or money receipts etc. No reply affidavit has been filed on behalf of the State Government denying the said averment despite opportunity being given to them. This problem of inability on the part of the petitioner to furnish all documents towards her expenses could have been avoided, had the Home Department, Government of Manipur informed the Director of Health Services, Manipur that expenses incurred on the treatment of the petitioner's husband be borne by it and necessary documents be furnished to it for reimbursement, as had been done in respect of the similar incidents. But the respondents appear to have failed to do so. In the absence of supporting documents, it may not be appropriate for this court to pass an order directing the respondents to reimburse the amounts as prayed for by the petitioner. However, keeping in mind the nature of injuries sustained by the petitioner's husband and the judgment and order dated 27-8-2010 passed by the Hon'ble Gauhati High Court, Imphal Bench in WP (C) No. 36 of 2010 directing the respondents therein to sanction an amount of Rs. 3,44,551/- (Rupees three lakh forty four thousand five hundred and fifty one) being the medical expenditure incurred by the petitioner, this court is of the view that the end of justice will be made by directing the respondents herein to pay a lump sum amount of Rs. 3,50,000/- (Rupees three lakh and fifty thousand) as compensation to the petitioner.

8. For the reasons stated herein above, the instant writ petition is disposed of with the following directions:

a) The respondents shall pay the petitioner a sum of Rs. 3,50,000/- (Rupees

three lakh & fifty thousand) only being the compensation towards the medical expenses; pain and agony suffered by the members of the petitioner's family including her husband within a period of three months from the date of receipt of a copy of this order;

b) Keeping in mind the peculiar facts and circumstances of the present case and in particular, the petitioner's husband's loss of means to earn sufficient income to bring up his minor sons, the respondents are directed to consider sympathetically for purpose of providing a job to any of the members of the petitioner's family commensurate with the qualification possessed by the concerned person. This exercise shall be done within six months from today and issue an appropriate order in respect thereof.