



## **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI**

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai – 400001.  
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**Case No.34/32/2006-07** 17927 ✓

DT.  
18/7/08

**Name of the complainant :** Smt. Ushabai Suryakant Chopade  
At/Post. Tarnoli,  
Tal. Darvha, Dist. Yavatmal.  
V/s  
1. The Secretary  
Relief & Rehabilitation Department  
Mantralaya, Mumbai.  
2. The Collector  
Yavatmal.

**Date :** 9.7.2008.

**Coram :** Justice Kshitij R. Vyas (Former Chief Justice), Chairperson.

### **PROCEEDINGS**

The complainant and her brother are present at the time of hearing. On behalf of the respondent Shri. S. R. Sonone, Tahasildar, Darvha Dist Yavatmal is present.

The complainant has approached this Commission for getting the amount of compensation for the untimely accidental death of her husband who died on 23<sup>rd</sup> January 2005. According to the complainant she is entitled to get the amount of compensation as per the scheme "कुटुंब अर्थ सहाय्य योजना" of the State Government.

Shri Sonone has stated that the claim was initially rejected by the Tahasildar. However, complainant also filed an application by way of first appeal under Below Poverty Line (BPL) Survey. Since the said application being treated as first appeal is pending, it would be in the fitness of the matter, the same may be decided by the Tahasildar. The complainant being a widow and there is nobody in the family who can look after her, the Commission has orally asked the Tahasildar Shri Sonone to consider the case of the complainant sympathetically. He has also assured that he would keep in mind the suggestion followed from the Commission and will do needful in the matter. Since the matter is pending for more than three years with the Commission, delay if any shall not come in the way of the complainant. The Commission hopes and trust that the claim of the complainant shall be decided on merits. In any case technicality of limitation may not be used against the complainant.

It appears from the record that the claim of the complainant to get the amount of insurance claim under "शेतकरी अपघात विमा योजना" of Government Resolution No. 166/11/A has been rejected by ICICI Limbard General Insurance Co. on the ground that the deceased husband of the complainant was not a registered farmer. It has been pointed out that against the said decision the complainant can file an appeal before the Agriculture Commissioner, Pune.

The complainant is advised to prefer an appeal against the said decision of 23.10.2005. As stated above, the delay, if any, shall not come in the way of the complainant as the dispute was pending before the Commission, and when a appeal is preferred against the decision before the Agriculture Commissioner, Pune, The said authority shall decide the same on merits.

From the record produced, it appears that MLA Shri Sanjay Rathod by his letter dated 7.11.2005 has recommended Hon'ble Chief Minister of the State of Maharashtra to provide financial assistance to the complainant from Chief Minister's Relief Fund. In pursuance to the said request by his letter dated 31<sup>st</sup> December 2005 has informed that he has already instructed to do the needful to the concerned department i.e. Secretary, Relief and Rehabilitation Department.

In view of this correspondence the Commission recommends that the State Government in relief & Rehabilitation Department, Mantralaya, Mumbai shall pay appropriate amount as may be permissible to the complainant.

With the above recommendation, the complaint stands disposed off.



  
(Justice Kshitij R. Vyas)  
Chairperson.

Mumbai; 9.7.2008.