

CONSTITUTIONAL WRIT

PRESENT: The Hon'ble Mr. Justice Pranab Kumar Chattopadhyay

The Hon'ble Mr. Justice Kishore Kumar Prasad

Judgment Dated: 18.3.2010

W.P.S.T. 75 of 2010.

POINTS:

Injury to the Petitioner----Petitioner attacked by the leopard while discharging his official duties-
----Direction by Administrative Tribunal for payment of compensation -----Compensation as
fixed by Circular too inadequate, whether the same can be revised----Constitution of India,
Article 226.

FACTS:

The petitioner herein was attacked by leopard in the forest while discharging his official duties
and, therefore, claimed compensation. The Learned Tribunal directed the Principal Chief
Conservator of Forests, Government of West Bengal to arrange for payment of compensation to
the petitioner as per the Circular of the State Government.

The petitioner submits that the amount of compensation fixed by the aforesaid Circular, is too
inadequate at present and the same should be revised by the competent authority of the
Government of West Bengal.

HELD:

The Court directs the Principal Secretary, Department of Forests, Government of West Bengal to
consider the aforesaid prayer of the petitioner regarding enhancement of the compensation
amount in relation to the death/injury of the forests personnel sustained in course of performance
of their official duties by review and take appropriate decision in that regard within six weeks.

PARA---4

Mr. Asish Sanyal,
Mr. Sanjib Bandyopadhyay.
...For the Petitioner.
Mr. Samiran Giri.
...For the State.

THE COURT:

1. The petitioner herein was attacked by leopard in the forest while discharging his official duties
and, therefore, claimed compensation.
2. The learned Tribunal by the impugned judgment and order dated 11th January, 2010 passed

in case number O.A.117 of 2005 directed the Principal Chief Conservator of Forests, Government of West Bengal to arrange for payment of compensation to the petitioner as per the circular of the State Government dated 17th February, 2006.

3.Mr. Sanyal, learned Counsel representing the petitioner submits that the amount of compensation fixed by the aforesaid circular dated 17th February, 2006 is too inadequate at present and the same should be revised by the competent authority of the Government of West Bengal.

4.Considering the aforesaid submissions, we direct the Principal Secretary, Department of Forests, Government of West Bengal to consider the aforesaid prayer of the petitioner regarding enhancement of the compensation amount in relation to the death/injury of the forests personnel sustained in course of performance of their official duties by reviewing circular dated 17th February, 2006.

5.Needless to mention that the said Principal Secretary, Department of Forests, Government of West Bengal will take appropriate decision with regard to the enhancement of the compensation for the forests personnel died/injured in encounter with wild animals in terms of this order at an early date but positively within a period of six weeks from the date of communication of this order.

6.With the aforesaid directions, this writ petition stands disposed of and the other directions passed by the learned Tribunal will, however, remain unaltered.

In the facts of the present case, there will be no order as to costs.

Xerox plain copy of this order countersigned by the Assistant Registrar (Court) be given to the appearing parties on usual undertaking.

(Pranab Kumar Chattopadhyay, J.)
(Kishore Kumar Prasad, J.)