GAHC010311872019

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 119/2020

1:MUSSTT. MOFIDA BEGUM
W/O LT. SAFIQUL ISLAM, VILL. BOGORIBARI, P.O. DALGAON, P.S SHYAMPUR, DIST. DARRANG, PIN-784116

VERSUS

1:THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER, DEPTT. OF FOREST, DISPUR, GUWAHATI-6

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST (WILD LIFE)
ASSAM
BASISHTHA
GUWAHATI-29

3:THE DIVISIONAL FOREST OFFICER
MANGALDAI WILD LIFE DIVISION
MANGALDAI
PIN-784116

4:THE FOREST RANG OFFICER
RAJIV GANDHI ORANG NATIONAL PARK
SILBORI
DARRANG
PIN-78411

Advocate for the Petitioner : MS B DEVI
Advocate for the Respondent : SC, FOREST

BEFORE

THE HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA

31.01.2020

Heard Ms. B Devi, learned counsel for the petitioner. Also heard Mr. A Das, learned standing counsel for the Forest Department.

On the basis of the instruction obtained by Mr. Das vide letter dated 27.01.2020 issued by the Chief Conservator of Forest (Legal) office of the Principal Chief Conservator of Forest and Head of Forest Force, Assam requested the Inspector General of Forest, National Tiger Conservation Authority to grant the compensation to the petitioner on the death of her husband. The contents of the letter is reproduced below:

"*GOVERNMENT OF ASSAM*

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF FOREST FORCE:: ASSAM

ARYNYA BHAWAN:: PANJABARI:: GUWAHATI-781037

Phone No. (Off). 0361-2541319 *Fax No. 0361-2547386*

e-mail pccfassam@gmail.com

No. FE. 3/Ex-gratia Grant to forest personnel/2010 *dated Guwahati 27th Jan/2020*

To,

Inspector General of Forest,

National Tiger Conservation Authority,

4th Floor, Housefed Building,

Rukminigaon, G.S. Road, Guwahati

Sub: Proposal for compensation from NTCA to the next of kin of late Safikul Islam (Ex-Casual Worker) who died while on duty at Orang National Park.

Sir,

With reference to the subject cited above, I am directed to enclose herewith following documents/ information as received from the Principal Chief Conservator of Forest, Wildlife & Chief Wildlife warden, Assam vide letter No. WL.FE.60, dated 31.08.2016 and seven number of letter dated 26.06.2018 for granting compensation to the family of Late Safikul Islam, Casual Worker died while performing Govt. duty under Rajib Gandhi Orang National Park. The detail documents are as follows:-

1. *DFO, Mangaldai WL Division's letter No. A/85/CL/FP/85, dated 10.06.2016 regarding details of the incident.*
2. *Report of the Range Officer, Rajiv Gandhi Orang National Park.*
3. *Police report.*
4. *Death Certificate.*
5. *Bank Pass Book of widow of Safikul Islam*

6. *Post Mortem report*
7. *Affidavit stating Smt. Mafida Begum W/O Late Safikul Islam*
8. *Certificate from village Head Man.*

I am directed to request you kindly to grant the compensation to the next of the kin deceased as per the norms.

Enclo: Original document

Yours faithfully,

Chief Conservator of Forest (legal),

O/O the Principal Chief Conservator of Forests and Head of Forest Force, Assam

Copy to:-

1. *The Principal Chief Conservator of Forest (WL), Assam for information with reference to his letter No. WL. FE.60, dated 26.06.2018*
2. *The Divisional Forest Officer, Mangaldai WL Division, Mangaldai for information*
3. *Smt. Mafida Begum W/O Late Safikul Islam, Vill- Baguribari, P.O. Dalgaon, Dist- Darrang, Assam for information.*

Chief Conservator of Forest (legal),

O/O the Principal Chief Conservator of Forests and Head of Forest Force, Assam."

A copy of the said order was sent to the petitioner Musstt. Mofida Begum. In view of the initiation of the process by the respondent officials, this writ petition is disposed of with a direction to the respondents including the Inspector General of Forest, National Tiger Conservation Authority to take further prompt steps to compensate the family of Late Safiqul Islam who was a casual worker and died while performing the Government duty at the earliest. The petitioner in pursuance of the letter dated 27.01.2020 shall submit a representation before the Chief Conservator of Forest (Legal), office of the Principal Chief Conservator of Forests and Head of Forest Force, Assam along with copy of this order and the respondents shall release the said compensation to the petitioner within a period of 2 (two) months from the date of receipt of the copy of this order. Accordingly, this writ petition stands disposed of. Copy of the letter dated 27.01.2020 is kept on record.

JUDGE

Comparing Assistant