

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.28 of 2023

1. Vina Kumari, daughter of Kali Prasad resident of Village Babani Nagawa, Post Office Sirdala, Police Station Sirdala, District Nawada.
2. Kunti Devi, wife of Sakaldeo Manjhi, resident of Village Phulwaria, Police Station Rajauli, District Nawada.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Additional Principal Chief Conservator of Forest-cum- Chief Van Prani Pratipalak, Bihar, Patna.
3. The Assistant Conservator of Forest, Nawada.
4. The Forest Divisional Officer, Nawada Forest Division, Nawada.
5. The Range Officer, Rajauli Forest Range, Forest Division, Nawada.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Sanjay Kumar Tiwary, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2023 Heard learned counsel for the petitioners and the State.

The petitioners in the present case are seeking a direction to the respondents to pay their honorarium for the period beginning from April 2020 to September 2022 to petitioner no. 1 and and from April 2020 to 31.08.2022 to the petitioner no. 2. A further prayer has been made to direct the respondents to allow the petitioners to work and to pay the honorarium regularly.

It is the case of the petitioners that on the basis of the



order given by the Forest Divisional Officer, Nawada Forest Division (respondent no. 4), the respondent no. 5 engaged some persons along with the petitioners as Mahilla Tracker and the petitioners have worked since 1st of March 2019 regularly. It is stated that they have been paid honorarium till March 2020 through their bank account.

The writ application further reveals that the respondent no. 4 has written Letter No. 2041 to the respondent no. 5 on 29.08.2022 stating therein to take work from 21 trackers. It is stated that the petitioners have worked thereafter also. It is further revealed that the respondent no. 2 has sent Letter No. 631 on 28.09.2022 to the respondent no. 1 demanding money for payment of honorarium. A sum of Rs.40,68,774/- has been asked for to make payment of the male/female guards during the financial year 2022-23.

Learned counsel for the petitioners submits that the petitioners have made representation vide Annexure '5' to the writ application wherein they along with others have requested the Range Officer, Rajauli Forest Range, Forest Division, Nawada to make payment of their wages as they are facing hardships in their life due to non-payment.

Learned counsel for the State submits that presently



he has no instruction but the writ application may be disposed of with a direction to the respondent nos. 1, 4 and 5 to look into the matter and take appropriate steps to mitigate the hardships of the petitioner if they are working and are entitled for the honorarium.

In the nature of the case and the stand taken on behalf of the State, this Court directs respondent nos. 1, 4 and 5 to act in tandem with each other in the matter of payment of the honorarium to the petitioners and others who are said to be engaged as Wild Life Care Tracker. The representation of the petitioners and others be considered keeping in view not only their legal right to get the honorarium if they have worked but also the human rights as in case they are starving due to non-payment of the honorarium despite they have worked, the State must come forward to act on the principle of *parens patriae* and mitigate their hardships.

The Additional Chief Secretary/Principal Secretary of the Environment and Forest Department, Government of Bihar shall be obliged to look into the Letter No. 631 dated 28.09.2022 (Annexure '4' to the writ application) and make available the required funds for payments of the male/female trackers who have been engaged but are not being paid.



Let the admissible payments be made to the petitioners and others similarly situated within a period of six weeks from the date of receipt/communication of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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