

29th April,
2024
(AK)
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W.P.A 9110 of 2024

Tapan Mahapatra
Vs.
The State of West Bengal and others

Mr. Ramdulal Manna
Mr. Sayan Mukherjee
...for the petitioner.

Mr. Asish Kr. Paul
Ms. Sahina Sumi
..for the State.

1. Learned counsel for the petitioner contends that the petitioner got compensation for demise of his son due to snake bite, to the tune of Rs.1 Lakh.
2. Learned counsel points out that although previously the compensation payable for snake bite was Rs. 1 Lakh, subsequently the same was increased to Rs. 2 Lakh and relies on a Circular dated September 8, 2009 annexed at page-15 of the writ petition in support of such contention.
3. Learned counsel for the State-respondent hands over written instructions where another Circular has been annexed.
4. Such Circular dated August 7, 2008, which is also a part of the writ petition, being annexed at page-14, indicates that the compensation for death due to Sun Stroke/snake bite has been fixed at Rs. 1 Lakh by the State.

5. It is pointed out that the payment of Rs. 2 Lakh is for natural calamity, not for snake bites, which come under different heads in the allocations made by the Government.
6. At this juncture, learned counsel for the petitioner hands over a communication issued by the Joint Secretary of the Government of West Bengal to the District Magistrate, Hooghly whereby an allotment has been made under different heads, including snake bite.
7. It is argued that as such, the petitioner is entitled to Rs. 2 Lakh.
8. A bare perusal of the communication dated July 4, 2013 made by the Joint Secretary to the District Magistrate, Hooghly shows that the same merely pertains to the total funds allotted under different heads, including natural calamity, snake bite/Sun Stroke and other disasters.
9. However, the said document does not indicate the specific rate of compensation payable for snake bite.
10. Rather, learned counsel for the State is justified in placing reliance on the Circular dated August 7, 2008 annexed at page-14 of the writ petition which clearly stipulates that in case of demise by Sun Stroke/snake bite, the compensation fixed is Rs.1 Lakh.

11. Although the petitioner relies on a different Circular dated September 8, 2009 annexed at page-15 of the writ petition, the same pertains to natural calamities and is in modification of a previous Departmental Order which is not the Circular dated August 7, 2008 pertaining to snake bites.
12. In view of such different Circulars having fixed different heads and different amounts payable, it is clear that the amount of Rs. 2 Lakh is for natural calamities other than Sun Stroke/snake bite, the latter being covered clearly by the August 7, 2008 Circular.
13. Since the petitioner has already got Rs.1 Lakh for admittedly the demise of his son due to snake bite, which is the maximum amount payable for such death, no further sum is payable to the petitioner.
14. Accordingly, WPA 9110 of 2024 is dismissed on contest without any order as to costs by keeping on record the documents handed over by both parties today.
15. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)