

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10694 of 2008

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Mostt.Jageshwari Devi W/o Late D.P.Yadav Resident of Village – Sarsu,
Tola-Beldari P.O. – Sarsu, P.S. Atari, Distt. – Gaya.

.... Petitioner

Versus

1. The Union of India through the Director, Boarder Security Force,
Academy Tekanpur Gwalior, Madhya Pradesh.
2. The Chief Administrator Officer B.S.F. Bhawani, Tekanpur, Gwalior
(M.P.)
3. The Staff Officer A D M Wing, B. S. F. Academy Gwalior, (M.P.).
4. Sr. Divisional Manager, United India Insurance Co.Ltd. 24 , whites
Road, Madras – 600014.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Adv.
For the Respondent/s : Mr. Kumar Priya Ranjan, CGC
Mr. Ashok Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9. 10-09-2015 Heard Sri Ravindra Kumar Sinha, learned counsel for
the petitioner, Sri Kumar Priya Ranjan, learned Central Govt.
Counsel as well as Sri Ashok Priyadarshi, learned counsel, who
has appeared on behalf of newly added respondent no. 4 i.e. Sr.
Divisional Manager, United India Insurance Co. Ltd.

The petitioner, who is widow of B.S.F. personnel, has
approached this Court invoking its writ jurisdiction under Article
226 of the Constitution of India, with a prayer to direct the
respondent to pay accidental claim to the petitioner on account of
death of her husband (Late Dineshwar Prasad Yadav).



It is case of the petitioner that her husband, who at the relevant time was posted in B.S.F., Tekanpur, Gwalior (M.P.), while shaving, got a cut injury. Then, he was carried to hospital, where he was treated and discharged, but subsequently, again he felt some difficulty in breathing and thereafter, he was admitted in a hospital, where he ultimately died.

Learned counsel for the petitioner submits that death of husband of the petitioner had occurred due to injury, which her husband received at the time of shaving. However, the insurance claim under the 'Seema Prahari Beema Yojna' was not paid to the petitioner, despite her best effort. He further submits that officials of the Border Security Force had recommended the case in favour of the petitioner, but the insurance company had not agreed to the recommendation and rejected the claim. Accordingly, a prayer has been made to direct the respondent to make payment of insurance amount under the scheme in question.

Sri Kumar Priya Ranjan, learned Central Govt. Counsel, at the very outset, submits that all other benefits in respect of husband of the petitioner have already been paid. This submission was not disputed by learned counsel for the petitioner. So far as aforesaid insurance claim is concerned, he submits that it was an admitted case that death of husband of the petitioner had



occurred due to respiratory and cardiac failure. By way of referring to **Annexure – 5** to the writ petition, he submits that it was a natural death, not death in an accident. Though, from the side of B.S.F., recommendation was made for paying benefit under the said insurance scheme, the same was turned down by the insurance company, only on the ground that cause of death was 'Heart Attack' i.e. natural.

Sri Ashok Priyadarshi, learned counsel for the respondent no. 4/Insurance Co. has vehemently opposed the prayer of the petitioner. He has raised preliminary objection on the point of maintainability of the writ petition on the ground that the petitioner has got no locus to maintain the present petition. He submits that insurance was made in favour of the B.S.F., not against individual employee and as such, according to him, had it been a case of unlawful decision, the B.S.F. would have come to this Court. Secondly, he has raised objection that death of husband of the petitioner had occurred in the district of Gwalior, which falls within the State of Madhya Pradesh and on the ground of territorial jurisdiction, he has objected regarding maintainability of the writ petition. On merit, he submits that under the scheme, claim was to be given only in a case of accidental death of employee/officer of the B.S.F. Accordingly, he submits that in

case of natural death, there was no point to entertain the claim and as such, claim has rightly been turned down and already communicated to the B.S.F.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. It is true that husband of the petitioner received injury at the time of shaving, but fact remain that death had not occurred due to said injury, which has been noticed by the authority concerned. However, it was a case of natural death due to heart failure and as such, there is no reason to pass any positive order in favour of the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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