

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22561 of 2011

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1. Rina Devi W.O Late Hararam Kumar R/O Village-Nari, P.S.-Noorsarai, Distt.-Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda
3. The Sub Divisional Magistrate, Bihar Sharif, Nalanda
4. The Officer-In-Charge, Noorsarai, P.S.-Noorsarai, Distt.-Nalanda
5. The South Bihar Electricity Distribution Company through its Secretary, Patna
6. The Electrical Executive Engineer, Electric Supply Circle, Bihar Sharif Noorsarai Range, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Respondent/s : Mr. Santosh Kumar, A.C. to G.P.-9
Mr. Prakash Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 08-12-2015

Heard both sides. After the South Bihar Power Distribution Company (for short 'the Company') was allowed to be impleaded as respondent, a counter affidavit has been filed on behalf of the said respondent.

Petitioner is widow of Late Hararam Kumar. It is stated that her husband died of electrocution. It was owing to sheer negligence on the part of the Company. An F.I.R. was lodged which was investigated and the charge-sheet was submitted finding it a case of death by electrocution.

Counsel for the respondent Company has stated that no such claim was raised before the appropriate/competent authority of the Company. There is a provision issued by the erstwhile Board and

amended from time to time which provide for grant of ex-gratia payment to the dependents of the victim who died of electrocution due to negligence on the part of the employees of the Company. Counsel for the respondent Company has rightly submitted that the present application shall be treated by the respondent as a claim and an enquiry limited to ascertain the truthfulness of the allegation of the death of the husband of the petitioner due to electrocution owing to negligence of the employees of the Company shall be made and thereafter the amount of ex-gratia shall be disbursed to the claimant (petitioner).

Having appreciated the said contention of the respondent Company, this Court disposes of the writ application directing the concerned respondent of the Company to consider the claim of the petitioner for payment of ex-gratia on the basis of limited enquiry to be made in this regard and pay the admissible ex-gratia amount in favour of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order failing which the petitioner shall also be entitled to a cost in the sum of Rs. 10,000/- in addition to the amount of ex-gratia to which she is found entitled.

(Kishore Kumar Mandal, J)

Pankaj/-

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