

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12222 of 2015

=====

Vijay Kumar Jaiswal, son of late Krishna Prasad Jaiswal, resident of
Diwaan Mohalla, Hamam Path, Gurhatta, P.S. Khajekalan, Patna City,
District Patna

.... Petitioner

Versus

1. The Chairman And Managing Director, Bank of Baroda, Baroda Corporate Centre, Mumbai
2. The General Manager (HRM) Mumbai B.C.C. Mumabi Bank of Baroda
3. The General Manager, Bank of Baroda, Bihar, Orissa and Jharkhand Zone (BOJ) West Boring Canal Road, Patna
4. The Deputy General Manager, B.O.B. Patna Region, West Boring Canal Road, Patna
5. The Assistant General Manager, B.O.B. H.R.M. Patna Zone, West Boring Canal Road, Patna
6. The Senior Manager, H.R.M. BOB, West Boring Canal Road, Patna
7. The Manager, Office Administration, B.O.B. Zonal Office, West Boring Canal Road, Patna
8. The Manager, Office Administration B.O.B. Regional Office, West Boring Canal Road, Patna
9. The State of Bihar, through D.G.P., Bihar
10. The Principal Secretary, Health Services, Bihar

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Adv.
For the Respondent/s : Mr. Anjanio Parashar, AC to GP4
For the Bank : Mr. Sanjeev Shankar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 11-08-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner in this writ application has made for payment of compensation as would be more evident from reading of paragraph no.1 of the writ application, which is quoted hereinbelow:

“That this is an application for issuance of an appropriate writ, order or direction commanding the respondents to pay the appropriate compensation to the tune of Rs.23 lacs



till date to the petitioner for his suffering due to the 15% disability, occurred to him while perusing his official duty under the orders and direction of the respondents and while visiting Raghunathpur Branch of the bank for security purposes at Raghunathpur on 21.11.11 an accident was caused by official vehicle supplied by the Bank itself which fell down into a ditch at 12.30 in night of 21/22.11.2011 causing serious injuries to the petitioner and one Anil Kumar, Chief Manager Security, both were traveling by that ill fated official vehicle supplied by the Bank in which both the traveling persons were seriously injured and driver also suffered serious head injury.

And

Further for quashing of the bank's refusal order, for not awarding compensation vide order dated 19.6.2015 passed by the respondent no.4 taking into consideration that the petitioner has suffered 15% disability in that accident for which no F.I.R. was lodged by the bank/ respondents in the Kursela Police Station, nor the Bank is ready to supply the registration number of that vehicle, which was supplied/ arranged or hired by the bank through which the petitioner and one Anil Kumar were sent to visit Raghunathpur Branch of the Bank for security purpose, which met with an accident, so in absence of vehicle number and F.I.R. no third party claim (insurance) can be claimed by the petitioner either from the owner of the vehicle or from the insurance company.

Nor the Kursela Police who brought the injured persons, at Primary Health Centre for first aid and



treatment lodged any F.I.R. at his own level as his part of the duty while forwarding the injured to P.H.C. Kursela. The Police should have asked for injury report and should have proceeded for investigation after noting the registration of that vehicle which met with that accident in the night of 21.11.2011 at about 12.30. So in absence of the F.I.R. and the vehicle number, no claim under Motor Vehicle Act can be entertained.

Nor the doctor, who attended the injured persons at Primary Health Centre, Kursela took any legal steps for lodging information by police, which was a legal necessity.

In such a circumstance the refusal to pay any compensation by the bank is illegal, arbitrary and against the principles of "Equity Justice and Good Conscience".

in the considered opinion of this Court such a writ application involving disputed question of fact will not be maintainable. The question of payment of compensation to an employee of the Bank like the petitioner could have been gone into by this Court if there was a policy supported by some Statute. Here in the present case the petitioner being an employee of the Bank of Baroda when he had allegedly met road accident and the Bank had paid a sum of Rs.2,15,046/- incurred by the petitioner in medical treatment apart from granting 56 days of special leave, the issue now being sought to be raised by the petitioner before the Bank or before this Court that the petitioner shall also be entitled for payment of

compensation to the tune of Rs.20 lacs cannot be gone into in writ jurisdiction.

If the petitioner, however, can establish such claim against the Bank in a properly constituted civil suit, nothing said in this order shall come in the way of the petitioner in claiming such relief before the competent civil court.

With the aforementioned observation, this application is disposed of.

surendra/-

(Mihir Kumar Jha, J)

U			
---	--	--	--