

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7262 of 2011

1. Jai Jai Ram Yadav.

2. Bechan Yadav.

Both Son of Late Ramswaroop Yadav, Both resident of Village + P.O. Pirnagra,
Police Station- Beldour, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Energy Department, Patna.

2. The Bihar Electricity Board, Patna through its Chairman.

3. The Electrical Inspector, Bihar, Patna.

4. The Superintendent Engineer, Department of Electricity Board, Khagaria.

5. The Executive Engineer, Department of Electricity Board, Khagaria.

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda & Mr. Anamul Haque, Advocates
For the State	:	Mr. A. K. Rastogi, A.A.G. 10
For the BSEB	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Vijay Kumar Verma & Mr. Akhileshwar Singh, Advocates

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-12-2016

Heard learned counsel for the parties.

The present writ application has been filed for a
direction to the respondents no. 2 to 5 to pay compensation of Rs.
5,00,000/- with compound interest on account of death of the mother



of the petitioners and two bullocks and also for injuries sustained by them on account of snapping of 11,000 volts electrical wire.

Learned counsel for the petitioners submitted that due to the said snapping of 11,000 volts electric wire, the mother of the petitioners came in contact with the live wire resulting in her death and also that of the two bullocks of the cart on which they were traveling, and them also being injured and taken to the hospital by the villagers for treatment. Learned counsel submitted that though payment of Rs. 1,00,000/- has been made after filing of the writ petition in 2014, but in terms of the Circular of the concerned respondents themselves dated 02.07.2012, petitioners are entitled to an amount of Rs. 2,00,000/-, which has not been paid. Learned counsel submitted that besides the death compensation, for their mother, the two bullocks killed and injury suffered by them, another Rs. 3,00,000/- be awarded. Learned counsel submitted that from the U.D. case registered, it is clear that death had occurred due to electrocution as a result of snapping of high voltage wire and that the two bullocks were also killed and further the petitioners were discharged after initial medical treatment. Learned counsel submitted that the Court in a recent judgment in the case of **Janki Devi Vs. The Bihar State (Now Bihar State Power Holding Corporation Limited) through its Chairman & Ors.** in C.W.J.C. No. 4736 of



2014 dated 02.12.2016, had held that from 02.07.2012, if payment has not been made, the same shall be governed by the said Circular which stipulates payment of compensation for death to be Rs. 2,00,000/-, having been enhanced from the earlier Rs. 1,00,000/-.

Learned counsel for the respondents no. 2 to 5 submitted that in a case of pure compensation, the writ petition is not maintainable and that it appears that the wire snapping was due to the petitioners trying to illegally draw power from the high voltage wire.

Learned counsel for the petitioners submitted that such plea has not taken by the respondents in the counter affidavit.

Learned counsel for the respondents no. 2 to 5, in reply submitted that this is obvious from the fact that the petitioners were not at the site and somebody had taken the dead body and the petitioners had run away out of fear of being caught.

Having considered the matter, the initial plea of learned counsel for the respondents no. 2 to 5, with regard to non maintainability of the writ petition, cannot be sustained for the reason that neither the facts are in dispute nor the Court in going beyond the policy of the respondents themselves relating to such payment. In fact, from the materials on record and the immediate report of the police in the U.D. case which was within 24 hours, there is clear cut finding that the mother of the petitioners died due to electrocution on



account of snapping of overhead high voltage wire. Further, the respondents, on the basis of legal notice sent on behalf of the petitioners, have also paid Rs. 1,00,000/- to her in 2014, from which it is clear that the concerned respondents themselves admit that the case was covered for compensation under the Circular. The only point which remains is whether the payment shall be paid as per the earlier Circular or the Circular dated 02.07.2012. Such issue has already been dealt with by the Court in the case of **Janki Devi** (supra) where it has been held that the effect of Circular dated 02.07.2012 is that from compensation stood enhanced from Rs. 1,00,000/- to Rs. 2,00,000/- with effect from 02.07.2012, in all cases where payment has not been made and there was nothing to relate it to the date of death. Such view has also been taken by a Division Bench of this Court in the case of **Bihar State Electricity Board vs. Munia Devi** reported as **2015 (2) PLJR 781**.

Accordingly, the writ petition stands disposed off with a direction to the respondents no. 2 to 5 that further amount of Rs. 1,00,000/-, in terms of the Memo No. 1677/E.B. dated 02.07.2012, totaling Rs. 2,00,000/-, be paid to the petitioners within one month from the date of production of a copy of this order before the respondent no. 5.

As far as the claim for compensation for the death



of the bullocks and for the injuries suffered by the petitioners, they are at liberty to approach the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

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