

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1022 of 2013

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Janki Devi, wife of Bishwanath Ram, Resident of Village- Gokhula, P.O.- Birahima Bazar, P.S. Baruraj, District- Muzaffarpur, presently resident of Mohalla- Ekta Nagar, P.O. Kolhua Paigambarpur, P.S. Ahiyapur, District- Muzaffarpur

.... Petitioner.

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna through the Chairman
2. The Chairman, the Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
3. The Secretary, the Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The Joint Secretary, the Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The General Manager - Cum - Chief Engineer, the Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
6. The Special Executive Officer (Administration), the Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
7. The Account Director (Fund) Provident Fund Pension Scheme, the Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
8. The Electrical Superintending Engineer, Transmission Circle, Biharsharif
9. The Electrical Executive Engineer, Transmission Division, Biharsharif
10. The Assistant Electrical Executive Engineer, Grid Transmission Sub-Division, Biharsharif

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 16-05-2016

Heard learned counsel for the petitioner and the respondents.

The petitioner is unfortunate mother of Naresh Kumar. The petitioner's son, namely, Naresh Kumar was appointed on 26.02.2009, as Junior Electrical Engineer in the Bihar State Electricity Board. He sustained fatal accident on 23.02.2010, while

discharging his official function. He passed away on 01.03.2010.

The petitioner seeks accident compensation under Scheme of the Board, dated 28.02.1997. The relevant portion on which the petitioner has relied, is quoted herein below:

“The employees of the Board who meets fatal accident arising out of and in course of employment are eligible to following facilities under the above referred Act and the scheme as stated below.

- (a) Compensation under the Workmen's compensation Act, 1923.
- (b) Relief of Rs.1/- lac under the Accident compensation scheme.
- (c) full pay and allowances as Family Pension till date of the retirement of the deceased had he not died.
- (d) employment of one dependant.”

On the other hand, Mr. Vinay Kirti Singh, learned counsel appearing for the erstwhile Bihar State Electricity Board (Now Power Holding Company) submits that the petitioner would not be entitled to full pay and allowances, as her son hardly rendered only one year and two months service. He submits that an individual is entitled to full pay and allowances, as family pension, one must render requisite number of years of service as provided in the pension

scheme dated 31.05.2008, Annexure-G to the counter affidavit, which has been adopted by the Power Holding Company.

Counsel for the petitioner, in his reply, submits that the benefit is not being sought under the general pension rules, but it is sought under accident compensation scheme provided by the Company itself. The persons, who had died in fatal accident, are in different class and even accorded separate benefit under the scheme dated 28.02.1997. He further submits that the scheme dated 28.02.1997 would not only cover the workman, but would also cover all the employees, which would include the officers as well.

Having regard to the facts and circumstances of the case, the matter is remitted to respondent no.2, namely, General Manager (HR) Power Transmission Company. It will be open for the petitioner to file a fresh representation as well before the concerned respondent stating her claim that her case would fall within Accident Compensation Scheme, 1997. It is expected that the matter would be disposed of within a period of three months from the date of receipt of a copy of this order.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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