

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 4736 of 2014**

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Janki Devi, Wife of Late Praveen Kumar Yadav @ Abhiram Yadav, Resident of  
Village - Akhtiyarpur, P.S. Udwant Nagar, District - Bhojpur ( Ara ).

.... .... Petitioner/s

Versus

1. The Bihar State (Now Bihar State Power Holding Corporation Limited) through its Chairman.
2. The Chief Engineer, Supply & Maintenance Department, Bihar State Electricity Board, Patna.
3. The Chief Managing Director-cum-Chief Engineer, Central Electric Supply Area, Patna.
4. The Superintending Engineer, Electric Supply Area, Ara.
5. The Executive Engineer, Electric Supply Division, Ara.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar Pandey, Advocate  
For the Respondent/s : Mr. Ajay Kumar Gaujam, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 02-12-2016**

Heard learned counsel for the parties.

The prayer in the writ petition was to pay compensation of Rs. 2,00,000/- to the petitioner, being the wife of Late Praveen Kumar Yadav @ Abhiram Yadav, who died due to electrocution while discharging his duties on 02.01.2012, working as private electrician under the Electric Supply Division, Ara at the Rural Branch Koilwar.

Learned counsel for the petitioner submitted that though the death of her husband occurred on 02.01.2012 but no compensation was paid and in the meantime as per the policy of the



respondent Bihar State Electricity Board, Patna (as it then was) contained in Memo No. 1677/E.B. dated 02.07.2012, the compensation payable in the event of electric accident was raised to Rs. 2,00,000/- from the existing of Rs. 1,00,000/-. It was submitted that the petitioner has been paid only Rs. 1,00,000/-, though the same should be Rs. 2,00,000/-.

Learned counsel for the respondents, relying upon the counter affidavit, submitted that the death had occurred on 02.01.2012, as per the policy existing then, Rs. 1,00,000/- was payable for such death, which has been paid.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, this Court finds force in the submissions of learned counsel for the petitioner. The husband of the petitioner, though may have died on 02.01.2012, but the respondents had not paid any compensation. It was their duty to pay the same without any delay as the main bread earner of the family had been taken away due to electrocution. The Court has perused the policy contained in Memo No. 1677/E.B. dated 02.07.2012, which reads as under:

*“With reference to the above, the provisions as contained in the Board’s letter no. 1452 dt-01.09.2008 already communicated to you is further revised and amended for payment of compensation in case of electric accidents as herein under vide Board’s Resolution no. 8667 dt-*



*22.06.2012 taken during 546<sup>th</sup> meeting of the Board vide item no. 07/2012-13 with immediate effect.*

*A sum of Rs. 2,00,000/= (Rupees Two Lacs) only instead of Rs. 1,00,000/= (Rupees one Lac) may be paid as compensation in the event of fatal electrical accidents i.e. death of the victims due to electrocution.*

*Other terms and conditions of the Board's letter no. 891 dt-12.11.2005; 1476 dt-01.10.2007 and 1452 dt-01.09.2008 shall remain unchanged."*

Perusal of the same discloses that the enhancement was made effective with immediate effect. Thus, the plain and simple reading would mean that the compensation amount had been enhanced and whatever compensation was due and payable as on 02.07.2012, would be Rs. 2,00,000/- instead of Rs. 1,00,000/-. The said resolution of the respondents does not indicate that the enhancement was only with regard to death which takes place after 02.07.2012. Had that been the intent of the resolution, the same would have been spelt out in the resolution in clear terms whereas in the present case, the resolution clearly states that the payment of compensation in case of electric accident is enhanced from Rs. 1,00,000/- to Rs. 2,00,000/- with immediate effect. Had the respondents discharged their liability under the existing policy prior to 02.07.2012, the matter would have been different, but since the matter was kept pending by them, any fresh policy, which is beneficial in nature, cannot discriminate only on the basis of date of



death moroso, when the application to pay compensation had remained pending and not decided by the respondents, even as per the earlier policy. Further, delay of over two years to pay compensation itself would have called for awarding extra compensation or cost. However, in the facts and circumstances of the present case, it would suffice that the respondents are directed to pay additional Rs. 1,00,000/- so that in terms of the policy dated 02.07.2012, the petitioner gets Rs. 2,00,000/-.

Accordingly, the writ petition stands disposed off with a direction to the respondents to ensure that payment of Additional Rs. 1,00,000/- is made to the petitioner within four weeks from the date of production of a copy of this order before the respondent no. 3.

**(Ahsanuddin Amanullah, J.)**

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