

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.881 of 2015
IN
Civil Writ Jurisdiction Case No. 10849 of 2010**

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1. Hindustan Steel Construction Ltd. through it's the then Chief Project Manager Sri Surya Dayal Singh. At present Sudhanshu Kumar Verma Son of late Gorakh Nath Srivastava Land Development Bank Building, Budh Marg, Patna.
2. Shaik Suhail, Son of late Shaik Abdul Kadar the then working as Site Engineer, Avantika- GHRA (J.V) Vijay Shree, 5D, 5th Lane, North S.K.Puri, Patna.

.... Appellants

Versus

1. The State of Bihar, through Secretary, Law Department, Bihar, Patna.
2. State Human Right Commission through Secretary, 9, Bailey Road, Patna.
3. Lilo Devi Wife of Ram Parsuram, Resident of Village- Kadadhu, P.O. Gouripur, P.S. Bihpur, District-Bhagalpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Singh, Adv.

For the Respondent No.3: Mr. Ashutosh Jha, Adv.

Mr. Bijoy Kumar Mishra, Adv.

Mr. Avinav Kumar, Adv.

For the State : Mr. Sunil Kumar Mandal, SC-3

Ms. Neelam Kumari, AC to SC -3

Mr. B. Kumar, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 02-07-2018

Heard Mr. Rajesh Kumar Singh, learned Counsel for the appellants, Mr. Sunil Kumar Mandal, learned SC-3 for the State and Mr. Ashutosh Jha, learned Counsel for the respondent- complainant before the State Human Right Commission, Bihar, Patna.

It is feeling aggrieved by an order dated 19.04.2010 passed by the Chairperson, State Human Right Commission, Bihar,



Patna in exercise of power vested under the Protection of Human Rights Act, 1993 (hereinafter referred to as 'the Act'), whereby the appellants herein were directed to pay compensation of Rs. 3,30,000/- to the private respondent herein which order of the State Human Right Commission has been confirmed by the learned Single Judge, while dismissing the writ petition of appellants arising from C.W.J.C. No. 10849/2010 vide order passed on 05.11.2014 that the writ petitioners as the appellants are before this Court.

The appeal was admitted for hearing on 07.09.2016 and while keeping the issues raised, open for discussion at the stage of final hearing that the appellants- writ petitioners were directed to pay the compensation amount, subject to furnishing of security bonds by the private respondent. According to the appellants, despite the effort made, neither the complainant could be traced nor did she come forward to furnish security bond and hence the interim order could not be complied.

On appearance of the private respondent that the matter was listed for hearing before this Court. When this matter was taken up for consideration on 18.06.2018 that an offer was made by Mr. Singh, learned Counsel appearing for the appellants- writ petitioners for settlement of the issue as according to the appellants it is taking note of the economic condition of the complainant and



notwithstanding statutory provisions existing under 'the Act' as regarding the powers vested in the Commission to examine such issue, yet the appellant company was willing to put a quietus to the matter taking a holistic view by making payment of an amount of Rs. 2,00,000/- as against the compensation amount, should the complainant accept the offer.

This Court recorded the offer so made by the appellants in the order passed on 18.06.218 and left it open for Mr. Jha representing the complainant to express the stand of the respondent- complainant. A supplementary affidavit was filed on behalf of the respondent- complainant when this matter was next taken up on 26.06.2018 accepting the offer made by the appellants- writ petitioners as the complainant also wanted to settle the issue instead of engaging herself in a long drawn litigation. The affidavit filed on behalf of the respondent- complainant is on record of the proceeding and it is taking note of the stand therein that Mr. Singh, learned counsel for the appellants, prayed for a week's time for completion of formalities of settlement by production of the cheque in terms of offer made and true to the stand taken by the appellants before this Court that a bank draft drawn on the State Bank of India in favour of the complainant- respondent Lilo Devi is produced by Mr. Singh when the matter is taken up today for an amount of Rs. 2,00,000/-. The draft has a



validity of three months. Mr. Jha accepts the Bank Drafts as towards full and final settlement and agrees to the disposal of the appeal in terms of the settlements so arrived at.

Let it be noted that in the nature of the settlement arrived at between the parties and since the present appeal is being disposed of on the basis of consensus, we have not entered into the merits of the contest as also on the jurisdiction exercised by commission under 'the Act' rather leave it open for debate in an appropriate proceeding even if, at the instance of the appellants herein. The settlement arrived would not operate a bar for the appellants to raise issue of jurisdiction and other issues as raised here in this appeal in an appropriate case. We would certainly not close any such option available to the appellants as we are conscious that the offer for settlement made by the appellants herein was entirely taking note of the economic condition of the complainant.

In view of the settlement arrived at between the parties and while keeping the all issues raised herein including jurisdiction exercised by the Commission under 'the Act' open for discussion in an appropriate proceedings, we proceed to modify the compensation amount awarded by the Commission to the amount arrived at in between the parties and consequentially the order passed by the State Human Right Commission dated 19.4.2010 would stand modified to



such extent.

In result, C.W.J.C.No. 10849/2010 is allowed with the modification above. Consequentially the Letters Patent Appeal stands disposed of in terms of the settlement arrived at between the parties.

We record our appreciation on the stand taken by the appellants before this Court through Mr. Singh which goes a long distance in resolving a dispute considering that at one end of such dispute is a person with a rather limited economic back up.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

Archana/Surendra

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	13.07.2018
Transmission Date	NA

