

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19057 of 2015

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Sangita Kumari, Daughter of Vishwanath Sah, resident of Madhopur, P.S.-
Sahebganj, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Energy Department, Government of Bihar, Patna.
2. The Chief Manager, (Human Resources/Administrator), North Bihar Power Distribution Company Limited, Electric Building, Bailey Road, Patna.
3. The Electric Executive Engineer, Electric Supply Division, Muzaffarpur (West) District- Muzaffarpur.
4. The Assistant Electric Engineer, Electric Supply Sub-Division, Motipur, District- Muzaffarpur.
5. The Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Sharma, Advocate.

For the Respondents : Mrs. Renu Jha

Mr. Prakash Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 27-11-2018

The present writ petition has been filed for quashing the order under Memo No. 75 dated 19.01.2015 ordering for payment of compensation of amount to Rs. 1,00,000/- only, and for payment of enhanced compensation.

2. Learned counsel for the petitioner submits that pursuant to injury and disability suffered by the petitioner following an accident occurring on 18.07.2012, the petitioner was admitted to hospital and a disability certificate was issued by the Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur. On an application for compensation, the Assistant Electrical Engineer,



Motipur recommended the case of the petitioner and finally an amount of Rs. 1,00,000/- was assessed and paid by way of compensation to the petitioner. It is submitted however that the said compensation of Rs. 1,00,000/- is inadequate as the petitioner has suffered 80% disability and medical treatment would entail an exorbitant expense of at least Rs. 5,00,000/-.

3. Learned counsel for the respondent-Power Company invites reference to the counter affidavit to resist the claim of the petitioner for enhancing the compensation. It is pointed out that while the petitioner suffered injury owing to electric shock on 18.07.2012, notification no. 1452 dated 01.09.2008 operative on that date contemplated compensation of Rs. 50,000/- in case of more than 75% disability. The subsequent notification no. 1953 dated 02.08.2012 provided for compensation of Rs. 1,00,000/- in cases of more than 50% disability resulting from electric injury. In the present case, it is submitted that as against the eligible amount of Rs. 50,000/- compensation, the petitioner has been paid a higher amount of Rs. 1,00,000/- as ex-gratia payment by way of compensation in terms of the subsequent notification dated 02.08.2012 referred to above.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The stand of the respondents that despite the petitioner being eligible for compensation of Rs. 50,000/- only, a higher



compensation of Rs. 1,00,000/- was paid taking a lenient view in the case of the petitioner, has not been disputed as no rejoinder to the counter affidavit has been filed. No basis has been canvassed by the petitioner in support of her claim for enhancement of compensation.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Ibrar/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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