

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12031 of 2016

=====

Prem Shankar Kumar S/o Jayprakash Yadav Resident of Village - Nauranga,
P.S. Chautham, District - Khagaria

... .. Petitioner

Versus

1. Bihat State Power Holding Company Limited
2. The Managing Director, North Bihar Power Distribution Company Limited
Vidhyut Bhawan, Bailey Road,
3. The Assistant Engineer, Power Supply Sub Division, Gogari Khagaria
4. M/s Suman Construction through its Proprieter Digamber Singh, Village and
P.O. Tegacchi, P.S. Chautham, District- Khagaria.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Respondent/s : Mr.Vinay Kirti Singh

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 07-02-2020 This writ application has been filed seeking direction to the respondents to pay to the petitioner compensation because of the accident, which the petitioner had suffered on 03.07.2015, leading to injuries while climbing over an electrical pole for repairing work, as an employee of M/s Suman Construction (respondent No.4).

A counter affidavit has been filed on behalf of the respondent Company. Respondent No.4 is a private body and is, admittedly, working for the Company as a contractor. It has been stated in the counter affidavit that the petitioner not being a regular employee of the Company rather an employee of M/s Suman Construction (respondent No.4), the Company is not



liable to pay any compensation and such compensation, if any, can be paid by the contractor.

It has further been stated in paragraph 13 of the counter affidavit that a total sum of Rs.47,500/- has been paid to the petitioner as compensation by the contractor because he had sustained injuries while discharging his duties.

Learned counsel appearing on behalf of the petitioner has submitted that the said amount was not paid to him by way of compensation, rather the same was his emoluments, which was paid to him.

This Court, in a proceeding under Article 226 of the Constitution of India, cannot determine the quantum of compensation, which the petitioner may be entitled to.

Though the matter has been listed with office notes in respect of service of notice upon respondent No.4, considering the nature of relief, which the petitioner has sought, this application is disposed of with the only observation that the petitioner shall have liberty to approach appropriate forum for award of compensation in accordance with law.

(Chakradhari Sharan Singh, J)

Pawan/-

U			
---	--	--	--

