

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CIVIL WRIT JURISDICTION CASE No.17251 of 2017**

Most. Chinta Devi, widow of Late Ram Naresh Singh, resident of village
+Post-Rampur, P.S. –Suryagarha, District-Lakhisarai

... .. Petitioner

Versus

1. The Bihar State Power Holding Distribution Co.Ltd
2. The South Bihar Power Distribution Co. Ltd. Through the Chairman
3. The Chairman-cum-Chief Engineer Bhagalpur Regional Electricity Board
4. The General Manager-cum-Chief Engineer, Regional Electricity Board, Mayaganj, Bhagalpur
5. The Electric Sub-Division, Lakhisarai

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ritesh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-08-2020 Heard learned counsel for the petitioner and Mr. Ritesh Kumar, learned counsel representing the Bihar State Power Holding Company and its authorities.

The petitioner in the present case has prayed for the following reliefs:-

1. For issuance of an appropriate writ(s) or direction or order commanding and directing the respondents to make payment of compensation to the petitioner as her husband namely Ram Naresh Singh died in harness on 16.8.1984 while he was on duty working as unskilled labourer in Electricity Supply Division, Lakhisarai.
2. For issuance of an appropriate writ or direction to the respondents to make payment of all death-cum-retiral benefit with interest of her husband who died in harness working as unskilled labourer in electric Supply Sub-division, Lakhisarai on 16.8.1984 including family pension.
3. For any other reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.

Mr. Bijay Kumar Pandey, learned counsel for the petitioner



has at the very outset fairly submitted before this Court that on merit the petitioner may not have a good case for issuance of a writ. However, learned counsel has submitted that this Court may take a sympathetic view of the matter and direct the respondent authorities to look into the representation of the petitioner which is dated 16.05.2000 enclosed as Annexure '2' to the present writ application. In the said representation the petitioner has stated that her husband died on 16.08.1984 after he suffered injury in course of rendering his duties as unskilled labourer in the Electric Supply Sub-Division, Lakhisarai. Learned counsel submits that this Court may direct the respondent authorities to make payment of some compensation to the petitioner.

Mr. Ritesh Kumar, learned counsel representing respondent power company submits that on a bare perusal of the writ application it would appear that the petitioner is not even able to establish that her husband was working as an unskilled labourer in Electric Circle, Lakhisarai, Sub-Division. It is further submitted that from the statements made in the writ application it appears that the husband of the petitioner allegedly died on 16.08.1984 and thereafter the representation as contained in Annexure '2' has been shown to be made on 16.05.2000 but again there is no proof of any dispatch of such representation or receipt thereof in the office of the respondent authorities. Learned counsel, therefore, submits that in the facts and circumstances of the case no extra ordinary writ needs to be issued.



Having heard learned counsel for the petitioner and learned counsel representing the respondent power company, this Court has considered the relevant materials on the record. Admittedly the husband of the petitioner died on 16.08.1984. There is no cogent material on record to establish that he was in service with the respondent company in any capacity. The representation as contained in Annexure '2' is said to have been made after 16 years of death and the present writ application has been filed 17 years after the said representation. In such circumstances learned counsel for the petitioner has rightly submitted at the outset that the case has no merit. The petitioner is unable to show any legal right, therefore, this Court finds no reason to take a sympathetic view and issue a writ on sympathy alone.

This writ application has, thus, no merit. It is dismissed accordingly

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

