

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22989 of 2018**

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1. The Union of India
2. The Chief Personnel Officer, East Central Railway, Hajipur.
3. The Divisional Railway Manager Personnel, East Central Railway, Sonapur.
4. The Divisional Railway Manager P, East Central Railway, Sonapur.
5. The Assistant Personnel Officer P, O/O Divisional Railway Manager/ Personnel, East Central Railway

... .. Petitioner/s

Versus

1. Jay Jay Ram Ray
2. Arbind Ray.
3. Dharmendra Kumar Ray. All sons of Late Ram Nandan Ray, Ex- Employee, East Central Railway, Barauni All residents of Village and P.O.- Amarapur, P.S.- Barauni, District - Begusarai.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Dr. K.N. Singh, ASG<br>Mr. Ratnesh Kumar, CGC                                               |
| For the Respondent/s | : | Mr. Jayant Kumar Karn, Advocate<br>Mr. Hemant Kumar, Advocate<br>Mr. Sujeet Kumar, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 12-12-2022**

Heard learned counsels for the respective parties.

Pursuant to the order dated 14.11.2022, Mr. J.K.P. Singh,

CCPO is present in the Court. On 14.11.2022, the following order was passed:-

*"Railway Authorities have preferred writ petition against the order dated 23.06.2016 passed by Central Administrative Tribunal Bench, Patna Bench, Patna in O.A. No. 050/00820/2016.*



*Short question for consideration is death of the deceased employee is not in the assigned work place-tool room and he had died near wash pit. Both the work assigned and death places are within a work premise. The stand of the Railway Authorities that deceased employee was assigned work in tool room and he died near wash pit. Therefore, their contention that he has not died during the course of the employment cannot be appreciated. In fact, the present writ petition is frivolous. Moreover, deceased employee was low paid employee. His legal heirs' grievance has been rejected and compelled them to approach Central Administrative Tribunal. Therefore, the Chief Personnel Officer, East Central Railway, Hajipur is hereby directed to appear in person in the event of having any difficulties in disbursing compensation amount in terms of Annexure-2 dated 05.11.1999 read with deceased employee died on 19.06.2015. He is hereby directed to disburse compensation amount before the next date of hearing, failing which he shall be present in the Court along with complete records. Relist this matter on 12.12.2022."*

Mr. J.K.P. Singh, CCPO furnished sketch relating to specimen of tool room and washing pit which is rough sketch prepared on 30<sup>th</sup> September, 2015. It is submitted that having regard to the scheme of the payment of compensation read with place of work and place of death of the deceased employee-respondent/legal heirs of the deceased employee are not entitled to compensation.



We have perused the rough sketch of accidental place of deceased employee Ramnandan Rai and we have also noticed tool room where the deceased employee was assigned the work and the place of death is washing pit. *Prima facie* both the places are within the common premises, therefore, the petitioner's department are taking too technical ground to deny the compensation to the legal heirs of the deceased employee. Therefore, we proceed to reject the petitioner's petition and uphold the order of the Tribunal that petitioner's cannot be too technical in not extending compensation. It is to be noted that the very object of providing compensation is social legislation of the Central Government. In such matters, there cannot be too technical in denial of compensation.

In the light of these facts and circumstances, the petitioner has not made out a case. Accordingly, the present writ petition stands dismissed.

Third respondent, i.e., the Divisional Railway Manager, Sonapur is hereby directed to disburse the compensation amount along with interest @ 8% per annum within a period of three months from the date of receipt of this order, failing which the respondent is entitled to litigation cost and it is quantified @ Rs. 50,000/- for the reasons that the respondent is before the judicial forum since the year 2015. Interest has been awarded in the light



of **Vijay L. Mehrotra Vs. State of Uttara Pradesh and others**  
reported in **(2001) 9 SCC 687.**

**(P. B. Bajanthri, J)**

**(Purnendu Singh, J)**

Vikash/-

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