

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12634 of 2023

Rakesh Kumar S/o Arun Kumar Mahto, Resident of Village- Kanhauli, Ward No. 10, P.S- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

1. Indian Oil Corporation Limited SCOPE Complex, Core 2, 7, Institutional Area, Lodhi Road, New Delhi.
2. Refineries Division, Indian Oil Corporation Limited, SCOPE Complex, Core 2, 7, Institutional Area, Lodhi Road, New Delhi.
3. The Chief Refinery Coordinator, Indian Oil Corporation, Baraun Terminal, Begusarai.
4. Indian Division Office, Indian Oil Corporation, Muzaffarpur, Sherpur, MIC Bela, District- Muzaffarpur.
5. Siya Smriti Indane Agency, through its Proprietor Hemant Kumar, Gender- Male, aged about-, S/o- not known, R/v- Kanhauli, P.S.- Khajauli, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Thakur
For the Respondent/s	:	Mr. Sanat Kumar Mishra
		Mr. Ankit Katriar
		Mr. Ankit Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-12-2023 Heard the learned counsel for the parties.

2. The following prayer has been made by the
petitioner:-

(I) For quashing the order contained in Ref No. MIDO/2023/AR/04 dated 25.05.2023 passed by the respondent no. 4 whereby and where-under the claim of the petitioner for payment of compensation for death Nutan Kumar on account of supply of defective Gas Cylinder, has been declined.

(ii) For direction to the respondents authority to pay the amount of compensation to the petitioner for death of



Nutan Kumari on account of supply of defective gas cylinder by the respondent authority (Indian Oil Corporation).

3. The petitioner had approached the Indian Oil Corporation and the Indian Oil Corporation vide order dated 25.05.2023 rejected the claim of the petitioner on the ground of delay.

4. It has been contended by the learned counsel for the petitioner that after the accidental death of the wife of the petitioner, a UD case was registered and therefore the death of the wife of the petitioner in an accidental death caused due to leakage of gas cylinder is not in dispute. The impugned order has been passed by the respondent no. 4 without hearing the petitioner and without considering the case off the petitioner only on the ground of delay.

5. In my opinion, this consideration by the respondent no. 4 cannot be sustained.

6. If wife of the petitioner has died in an accidental fire, the facts should have been considered by the respondent no. 4 and if the petitioner is found eligible for compensation, it should have been given to the petitioner and the claim of the petitioner for compensation should not have been rejected only on the ground of delay.



7. Accordingly, the order dated 25.05.2023 passed by the Indian Division Office, Indian Oil Corporation, Muzaffarpur (respondent no. 4) is hereby quashed. The delay in filing the claim is condoned.

8. The Indian Division Office, Indian Oil Corporation, Muzaffarpur (respondent no. 4) is directed to pass a fresh order after considering the claim of the petitioner within ten days from today.

9. This order has been passed in presence of the learned counsel for the Indian Oil Corporation *Shri Ankit Kumar Singh*.

10. If the petitioner is found eligible for the compensation, the same must be paid to the petition within another 15 days to the petitioner.

11. With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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