

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2763 of 2021

Most. Mamta Devi, Widow of Late Surendra Prasad, resident of Village-Hari Gaon, P.s.-Belaganj, District-Gaya.

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited
2. Superintending Engineer, South Bihar Power Distribution Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
3. Executive Engineer, South Bihar Power Distribution Company Ltd. Gaya Division (Rural).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kr. Arya, Advocate
For the Respondent/s	:	Mr. Kunal Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 15-07-2024 The petitioner is the widow of one Surendra Prasad.

The husband of the petitioner working as “*Manav Bal*” at Belaganj sub-center under the South Bihar Power Distribution Company Limited and while repairing a transformer at Singhaul, he died of electrocution on 25th June 2017. On the date of death itself, the petitioner was paid a compensation of Rs. 4,00,000/- (Four lakhs only) from the South Bihar Power Distribution Company Limited and she was assured of being given a job in the company. Subsequently, however, in spite of the petitioner's repeated representations, the respondent authority failed and neglected to provide her with a service on compassionate ground. So, she filed the instant writ petition for



appropriate direction.

2. The legal Supervisor of the South Bihar Power Distribution Company Limited has filed a counter-affidavit, stating, *inter alia*, that the deceased husband of the petitioner was not an employee of South Bihar Power Distribution Company Limited and his service was outsourced from an agency, who used to supply man-power to the South Bihar Power Distribution Company Limited. As the husband of the petitioner was not an employee of the South Bihar Power Distribution Company Limited, the petitioner cannot get any appointment on compassionate grounds in the Company.

3. Further, in reply, the learned Advocate appearing on behalf of the petitioner refers to Annexure-1 of the writ petition. This is an order passed by the Electrical Executive Engineer, Electrical Supply Sub-division, Chandauli, Gaya, wherein, he promised that the Department would take necessary action so that the petitioner might be recruited in “*Manav Bal*”.

4. It is needless to say that the “*Manav Bal*” is not a cadre of the South Bihar Power Distribution Company Limited. This “*Manav Bal*” is outsourced by the Company to carry out the works of the Department. The petitioner cannot, as a right, claim compassionate appointment in an agency that supplies the



manpower to the Company under certain agreement, nor she can claim employment on compassionate ground under South Bihar Power Distribution Company Limited.

5. For the reasons stated above, I do not find any merit in the instant writ petition and the same is accordingly, dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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