

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12980 of 2012

Indu Bala Sinha W/O Late Rajeshwar Lal, Gram + Post- Bhadwar, P.S.-
Chandi, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Department of Energy, Patna, Bihar.
2. Chairman, Bihar State Electricity Board, Vidyut Bhawan, Patna.
3. Joint Secretary, Bihar State Electricity Board, Patna.
4. General Manager Cum Chief Engineer, Central Electricity Supply Unit, Patna.
5. Superintending Engineer, Bihar Electricity Board, Ara.
6. Executive Engineer, Electricity Supply Division, Ara.
7. Assistant Engineer, Electricity Supply Division, Ara.
8. Junior Engineer, Electricity Supply Division, Koilwar, Ara.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Vishal Saurabh, Advocate
For the BSEB	:	Mr. Prakash Kumar, AUIIN-3266, Advocate
For the State	:	Mrs. Binita Singh, SC-28

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-04-2024 Heard the learned counsel for the petitioner, the learned counsel appearing on behalf of the Bihar State Electricity Board and the learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for directing the official respondents to pay the adequate accidental claim / compensation from the death of the husband of the petitioner namely, Late Rajeshwar Lal, an unskilled Khalasi, as while discharging his official duty on 11.06.1988, an accident



took place owing to which he ultimately died on 11.11.1988.

3. Learned counsel for the petitioner submits that as per policy of the Bihar State Electricity Board (Hereinafter referred to as 'Board'), the petitioner is entitled for adequate accidental claim / compensation on death of her husband, who has died during service period.

4. Learned counsel for the Board has filed a counter-affidavit and submits that the claim of the petitioner has already been rejected in the year 1994 itself, and petitioner has approached this Hon'ble Court in the year 2012, and apart from that the petitioner has been given the job on the basis of compassionate appointment in the year 1990 itself.

5. Considering the aforesaid facts and circumstances and the fact that the Board has rejected the claim of the petitioner in the year 1994 and petitioner has not challenged the order of rejection in any proceeding or in the present writ petition and apart from that the petitioner has approached this Hon'ble Court in 2012, and also in the light of judgment of The Hon'ble Apex Court in the case of ***State of Jammu & Kashmir Vs. R.K. Zalpuri and others reported in AIR 2016 (SC) 3006***, and para no. 20 of the said judgment is read as follows:

"20. Having stated thus, it is useful to refer



to a passage from City and Industrial Development Corporation Vs. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:

“The Court while exercising its jurisdiction under Article 226 is duty bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) exfacie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors”.

5.1. In view of the aforesaid, the present writ petition stands dismissed.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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