

(2003) 11 JH CK 0027
In the Jharkhand High Court
Case No : Writ Petition (C) No. 3459 of 2003

Ganga Devi

APPELLANT

Vs

Jharkhand State Electricity Board and Others

RESPONDENT

Date of Decision : 21-11-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 1 JCR 21

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : P.K. Prasad, V.K. Prasad and Amit Kumar, for the Appellant; Anoop Kumar Mehta, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—In the instant writ application the petitioner has prayed for grant of compensation on account of death of her husband due to electrocution.

2. Petitioner's husband Jainandan Mahto was an employee of Central Coalfield Limited posted at Rajrappa Project in the district of Hazaribagh. It is stated that the respondent-Jharkhand State Electricity Board left live electric wire of 33000 volts on the road at village, Kundra Kalan. Petitioner's husband was going on his scooter and because of live electric wire of 33000 volts lying abandoned on the road, the deceased was charged to death immediately on coming into contact with the said live wire. The scooter bearing registration No. BHM 2071 was completely burnt. A police case was registered under Sections 304A and 287 of the Indian Penal Code being Rajrappa P.S. case No. 191/2000. Petitioner's case is that on account of the aforesaid criminal act of negligence on the part of the respondent-Board and its authorities she became widow at the age of 42 years. The petitioner filed a representation to the Board for payment of compensation of rupees ten lacs and also employment of her son but in spite of assurances given by the Board, the compensation amount has not been paid.

3. The respondents-Board, in their counter affidavit, stated that the electric line in the said area has been subject to recurrent occurrence of theft of conductor wire by antisocial elements. The conductor wire gets weakened due to this resulting into shaping of the wire which might have led to the death of the petitioner's husband. It is further stated that due to continuous pilferage of energy, the wires have become weak and they lie hanging. Lastly it is contended that there is no provision for payment of compensation by the respondents in such cases;

4. There is no dispute that the petitioner's husband, while going on his scooter, came into contact of the live electric wire of 33000 volts lying on the road at village, Kundra Kalan. It was the responsibility of the Board and its authorities not to allow the naked wires of 33000 volts lying on the road. The stand of the respondents that due to pilferage of energy and theft of conductor wires by antisocial elements the wire was lying on the road, cannot be accepted. In my opinion it is because of the gross negligence on the part of the Board and its authorities, the deceased husband of the petitioner died on account of electrocution. The Board is, therefore, liable to pay compensation to the petitioner.

5. So far quantum of compensation is concerned, the Chairman of the Jharkhand State Electricity Board shall assess the quantum of compensation taking into consideration the monthly income and age of the deceased and shall pay the same within a period of two months from the date of receipt of a copy of this order. This writ application is, accordingly, allowed.