

(2016) 08 JH CK 0083

In the Jharkhand High Court

Case No : Writ Petition (C) No. 5901 of 2014.

Rahul Kumar - Petitioner @HASH State of Jharkhand

Date of Decision : 23-08-2016

Acts Referred:

Citation : (2016) 4 JBCJ 507

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Mr. A.K. Sahani, Advocate, for the Petitioner; Mr. Binod Singh, S.C.(L and C) and Mr. Pravin Kr. Rana, J.C. to S.C.(L and C), for the State

Final Decision : Disposed Off

Judgement

Mr. Aparesh Kumar Singh, J. - Heard counsel for the parties.

2. Petitioner has prayed for direction upon the respondents to pay compensation for meeting out the expenses of his plastic surgery and treatment.

3. According to the petitioner, he has born on 5th September, 1985. He has passed Matriculation with 59% marks in the year 2001, Intermediate of Commerce in the year 2003 with 68% marks and Bachelor of Commerce (Hons.) from Marwari College, Ranchi with 59.3% marks. In November 2006 he has completed Preliminary Examination-II of Chartered Accountant. In 2010 he has completed Article-ship Training from a Chartered Accountant's Firm and in January, 2012 has passed 1st group of C.A. Final Examination from the Institute of Chartered Accountant. However, on 31st May 2012 a quarrel erupted between son of his neighbour Kishore Soni with the petitioner's cousin sister. When the petitioner protested, one Pinki Devi abused the petitioner and threw a bottle of acid on him which grievously injured him. On his Fardbayan during course of treatment at Modi Memorial Hospital, Chanhoo P.S. Case No. 55 of 2012 was lodged on 1st June 2012 against Pinki Devi wife of Kishore Soni and Manish Kumar under Sections 307, 326, 504, 506 and 34 IPC.

4. Petitioner, in the aforesaid background, had made an application to the Chief Secretary, Government of Jharkhand for compensation to meet the expenses of

his medical treatment caused by acid burn. He has been asked to produce the BPL certificate and other documents by a letter dated 16th October 2014 (Annexure-4) issued by the District Welfare Officer, Ranchi. However, since the respondents did not take any decision in respect of his claim for compensation, he has approached this Court.

5. The counter affidavit of respondent no. 3 District Welfare Officer, Ranchi states that claims for any such compensation are considered as per the instructions contained in resolution no. 305/Health dated 23rd November 2001; resolution no. 337(5) dated 31st July, 2010 and resolution no. 687(6)/Health dated 22nd September 2014 (Annexure-A series) issued by the Health, Medical Education and Family Welfare Department, Government of Jharkhand. Petitioner was required to submit BPL certificate, the ceiling of income under which has been modified by resolution dated 22nd September, 2014 also enclosed to the counter affidavit up to Rs. 10,500/- for rural area and Rs. 12,000/- for urban area. The respondent-District Welfare Officer in his statement at para-10 has stated that application of petitioner addressed to the Chief Secretary, Government of Jharkhand has been sent to the Deputy Commissioner, Ranchi for redressal of his grievances. However, he states that District Welfare Officer is not the competent authority to sanction medical aid to the petitioner.

6. In the relevant background facts noticed herein above, counsel for the petitioner submits that the petitioner is ready to submit the requisite documents before the Deputy Commissioner, Ranchi who may place it before the Committee empowered to take a decision on the question of reimbursement/payment of compensation for medical treatment for such injuries/diseases.

7. Counsel for the respondent-State submits that the petitioner may be directed to approach the competent authority/Deputy Commissioner, Ranchi for redressal of the grievances in accordance with law.

8. Having considered the aforesaid material facts and the submissions of the parties, writ petition is disposed of giving liberty to the petitioner to approach the Deputy Commissioner, Ranchi by way of a representation duly supported with all necessary facts, documents and certificates for redressal of his aforesaid grievances. Needless to say, on such representation being made, the competent authority/Deputy Commissioner, Ranchi would consider the same and if necessary, place the matter before the appropriate committee constituted for such purposes who shall take a decision in accordance with law and the circulars on the point issued from time to time within a reasonable period of 16 weeks from the date of receipt of such representation along with a copy of this order.