

(2010) 09 JH CK 0105

In the Jharkhand High Court

Case No : Writ Petition (C) No. 5892 of 2006

Shamsuddin alias Nona

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-09-2010

Acts Referred:

Citation : (2010) 58 BLJR 1450

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ramesh Kumar Merathia, J.—It is unfortunate that despite of time granted on 6.12.2006, the Board has not cared to file any counter affidavit.

2. In that view of the matter, the prayer for adjournment is refused and this writ petition is being disposed of in the absence of the counter affidavit of the Board.

3. It is submitted by Mr. A.K. Das, learned Counsel appearing for the petitioner, that petitioner's son, aged about 12 years, died due to electrocution due to negligence of the then Bihar State Electricity Board, now Jharkhand State Electricity Board (for short "the Board"), as the live wire fell on the shutters of his shop when he was going to lift it. He further submitted that the petitioner approached the Deputy Commissioner, Jamshedpur who requested the Board in 2001 to look into the matter and thereafter the petitioner was approaching the Board.

4. Mr. Sidharth Ranjan, learned Counsel for the Board, submitted that from the report of U.D. case, it will appear that due to bad weather, the wire broke down and, therefore, it is not a case of negligence on the part of the Board, and it was an accident. He further submitted that the death occurred in 1997 and this writ petition was filed in 2006, after about nine years and, therefore, it may not be entertained, and now after 13 years, it will not be practicable to examine the case of petitioner.

5. It is true that there is no satisfactory explanation to the long delay of about nine years in approaching this Court, but as no counter affidavit has been filed informing this Court as to what reply was sent by the Board to the letter dated 17.5.2001 (Annexure 3), the matter is remitted to the Board.

6. The petitioner is permitted to make a fresh representation before the concerned General Manager of the Board, who will look into the matter. If the petitioner is found entitled to compensation, the same should be paid to him. If it is found that his claim is not tenable/payable, the reasons thereof should be communicated to him. This exercise should be completed within six weeks from the date of receipt of representation.

7. It is made clear that this Court has not gone into the merits of the claim of the petitioner.

8. With these observations and directions, this writ petition is disposed of.