
(2009) 11 PAT CK 0041
In the Patna High Court

Smt. Shail Kumari Devi

APPELLANT

Vs

Chairman, The Secy. Bihar State Electricity Board, GM cum
Chief Engineer, Electricity Board and The Superintending
Engineer

RESPONDENT

Date of Decision : 26-11-2009

Acts Referred:

Citation : (2009) 11 PAT CK 0041

Judgement

Samarendra Pratap Singh, J.—Heard learned Counsel for the parties.

2. The petitioner has come to this Court for commanding respondents to pay him compensation for having caused the death of her husband Sri Lal Bihari Pandey, who died of Electrocution on 22.4.1991.

3. The petitioner is widow of late Lal Bihari Pandey who was an Assistant Public Prosecutor on behalf of Department of Home. Police, and Government of Bihar. The deceased while drawing water from the pump died on account of electrocution caused by snapping of live electric wire. A report to this effect being K. Hat Police Station U.D. case No. 9/1991 was lodged with the police on 22.4.1991 itself.

4. Leaned Counsel for the petitioner submits that the she filed a representation before the Chairman, Bihar State Electricity Board, (BSEB), Patna, respondent No. 1. through the Superintending engineer, BSEB, Purnea for appointment of her son Bijay Kumar Pandey in lieu of compensation which was duly forwarded on 7.5.1991 to the Chairman, BSEB, Panta by the Chief Judicial Magistrate, Purnea recommended her case for grant of adequate compensation. The petitioner has drawn my attention towards letter No. 882 dated 5.6.1991, annexure 4. addressed hy the Superintending engineer. Electricity, Purnea Electric Division, Purnea to the Managing Director cum Chief Engineer, BSEB, Koshi Area Electricity Board, Saharsa requesting him to consider the case of petitioner sympathetically and forward the same to the BSEB. The General Manager in turn forwarded the application to the Secretary, BSEB, Patna for

appropriate order vide his letter dated 11.6.1991. The petitioner states that she made various representations to the Chairman with copy to other authorities of the Board for employment of her son by way of compassion.

5. The Board has filed counter, affidavit denying that the petitioner has died due to its negligence or fault. The police found the case to be clue less and accordingly submitted final report which goes to show that neither any culpability nor any negligence leading to death in question against any person, much less against the officials of the Board was found.

6. The petitioner has relied upon decisions rendered in case of Ram Swaroop Yadav Vs. Bihar State Electricity Board and Others and in case of Kamalnath Vs. Sudesh Verma,

7. In case of MP Electricity Board (Supra), the Hon"ble Apex court was considering the case of a cyclist entrapped on live wire and electrocuted. Defence of the Electricity Board was that the stranger had committed mischief by siphoning energy and electrocution was from such diverted line. The Court held that in such case, this would be no defence on the part of the Management of the Board that somebody committed mischief by siphoning such energy to his private property and that the electrocution was from such diverted line. The petitioner further submits that electrocution took place not within the premises of the house rather it took place outside the house.

8. After hearing the parties, this Court finds that dispute has been raised as to whether electrocution took place inside or outside the quarters of petitioner's husband and the other question is whether representation of the petitioner contained in annexure-3 and subsequent letter of the Board contained in annexure-4 were considered by the Board authorities or not. It also appears that the petitioner has moved this Court belatedly for relief prayed for.

9. In the backdrop of the aforesaid issue, the writ petition is disposed of with observation that it would be open to the petitioner to pursue her remedy before the Secretary, BSEB, Patna.