

(2018) 07 JH CK 0142

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5398 of 2008

Sudha Devi

APPELLANT

Vs

Jharkhand State Electricity Board

RESPONDENT

Date of Decision : 17-07-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 174

Citation : (2018) 07 JH CK 0142

Hon'ble Judges : SHREE CHANDRASHEKHAR, J

Bench : Single Bench

Advocate : Aashish Kumar, Mukesh Kr. Sinha

Final Decision : Disposed Off

Judgement

1. Seeking compensation of Rs.10 lacs on account of death of her husband due to electrocution and compassionate appointment, the petitioner has approached this Court.

2. Briefly stated, on death of the petitioner's husband a report under section 174 Cr.P.C. on unnatural death was forwarded to the court on

23.07.2001. The petitioner claims that on account of negligence of the Electricity Board her husband who came in contact with a live electric wire

has suffered death. She came to this Court in W.P.(C) No. 3726 of 2004 seeking compensation on account of death of her husband. The writ

petition stood disposed of by an order dated 12.08.2004 with a direction to the Chairman, JSEB, Ranchi to dispose of her representation seeking

compensation within six weeks. Her representation was rejected by an order dated 15.11.2007 and during pendency of this writ petition the matter

was examined afresh by the respondents. Initially claim for compensation was declined, however, now the respondents have taken a decision to pay

compensation of Rs.20,000/- to the petitioner on account of death of Â her husband.

3. The learned counsel for the respondents submits that under the Circular dated 23.12.2002 compensation of Rs.20,000/- is payable to the dependent of a person who has suffered death due to electrocution.

4. In the present proceeding, on 05.04.2018 Mr. Mukesh Kumar Sinha, the learned counsel for the respondents made statement that he has instructions to submit that a decision has been taken to pay compensation to the petitioner in terms of Board's Circular.Â A copy of the decision taken by the respondents was brought on record by filing 2nd supplementary counter-affidavit dated 20.04.2018.Â The said decision contained in letter dated 17.04.2018 reads as under:

Ekkuuh; mPp U;k;ky;] jkÂiph }kjk WP(S) No. 5939/08, lq/kk nsOh cuke >kj[k.M jkT; fo|qr ckMsZ ,o avU; eas fnukda 05-04-2018 dk sikfjr vkns'k ds vuqikyu eas Jherh lq/kk nsOh iRuh LoxhZ; jke nqykj 'kekZ] fofy;El Vkmu] nso?kj dk smuds ifr ds fo|qr Li'kZ?kkr ds dkj.k e`R;q ds dkj.k {kfriwfrZ ds :i eas :0 20000-00 Â¼chl gtkjÂ½ ek= dh Lohd`fr iznku dh tkrh gSA

2- Jherh lq/kk nsOh dk smDr {kfriwfrZ dk Hkqxrku fo|qr v/kh{k.k vfHk;Urk] fo|qr vkiwfrZ vapy] nso?kj }kjk fd;k tk;sxAÂ Â bleas l{ke inkf/kdkjh dk vuqeksnu izkIr gSA

5. It appears that when it was pointed out to the learned Advocate-General who appeared on behalf of the respondents that no such direction has yet been issued by the Court to pay compensation of Rs.20,000/- to the petitioner, on 23.04.2018 the learned Advocate-General submitted that the mistake crept in the file-noting dated 17.04.2018 shall be appropriately rectified.Â These facts are duly recorded in the orders passed by the Court in this proceeding.Â Now, by filing 3rd supplementary-affidavit dated 16.07.2018 a copy of the recommendation order dated 13.07.2018 has been brought on record.Â It reads as under:

Â fuxe ds dk;kZy; vkns'k la[k;k 595 fnukda 17-04-2018] ftlds }kjk lq/kk nsOh iRuh LoxhZ; jke nqykj 'kekZ] fofy;El Vkmu] nso?kj dk smuds ifr ds fo|qr Li'kkZ?kkr ds dkj.k e`R;q ds QyLo:i {kfriwfrZ ds :i es :0 20]000-00 dk Hkqxrku Lohd`r fd;k x;k Fkk] eas vafdr â??ekuuh; mPp U;k;ky;] jkÂiph }kjk WP(S) No. 5939/08 lq/kk nsOh cuke >kj[k.M jkT; fo|qr cksMZ ,o avU; es afnukad 05-04-2018 dk sikfjr vkns'k ds vuqikyu esaâ? dk

sla'kksf/kr djrs gq, fuEufyf[kr 'kCn lekofs'kr fd;k tkrk gS&

â??ojh; LFkk;h vf/koDrk }kjk ekuuh; mPp U;k;ky;] jkÂiph ds le{k lefiZr rF; fd lq/kk nsoh dks ,d lIrk ds vanj {kfriwfrZ dk Hkqxrku dj fn;k tk;xsk ,oa

WP(S) No. 5939/08 dk ekeyk 17 o""kksZa ls vf/kd le; ls yafcr jgus ds e|sutjâ??

2- dk;kZy; vkns'k la[;k 595 fnukda 17-04--2018 mDr gn rd la'kkfs/kr le>k tk;A

6. A conjoint reading of office orders dated 17.04.2018 and Â 13.07.2018 would reveal that the respondents have taken a decision to pay

compensation to the petitioner in terms of Circular dated 23.12.2002.Â Office order dated 17.04.2018 records that the subject decision has been

approved by the competent authority.Â At this stage, it needs to be clarified that the reasoned order dated 15.11.2007 by which claim of the petitioner

was rejected was previously not challenged by the petitioner.Â Order passed in W.P.(C) No.3726 of 2004 also records that the Court while disposing

of representation of the petitioner has not gone into the merits of the case.Â Now, the respondents have admitted claim of the petitioner for

compensation.Â Â

7. It is no longer in the realm of doubt that benefit under the circular which was in operation when the claim was decided shall be accorded to the

dependent of the deceased-employee [refer â??Shashikalabai (smt.) Vs. State of Maharashtra & Anr.â? (1998) 5 SCC 332].Â The learned counsel

for the respondents submits that in the year 2007 Circular dated 23.12.2002 was in operation.Â Now, when it is admitted that the petitioner is entitled

for compensation in terms of the Boardâ??s Circular for her husbandâ??s death due to electrocution â?" a fact duly recorded in the First

Information Record â?" the petitioner must be held entitled for interest for the delay in payment of compensation and on account of interest which has

accrued on the amount of compensation.Â Accordingly, it is ordered that compensation of Rs.20,000/- payable to the petitioner shall carry interestÂ

@ 5% p.a. to be calculated from 23.12.2002.

8.Â The writ petition stands disposed of, in the aforesaid terms.Â