

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 4492 of 2019

Laltu Parira S/O Samir Kumar Parira, aged about 24 years, Village-Kuntudih Narayanpur, P.O and P.S- Chas, District Bokaro, Jharkhand.

... .. **Petitioner**

Versus

1. The State of Jharkhand
2. Jharkhand State Electricity Board, Address-headquarter Engineering Building, Dhurwa, P.O and P.S- Dhurwa District Ranchi Jharkhand.
3. Jharkhand Bijli Vitran Nigam Limited, through its General Manager Address- Engineer's Building, Dhurwa, P.O-and P.S-Dhurwa RANCHI-834001, JHARKHAND

... .. **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Shadab Eqbal, Advocate
: Ms. Atefa Parvez, Advocate
: Mr. Haroon Rasheed, Advocate
For the Resp.- State : Mr. Uttam Kumar Das, Advocate
For the Resp.- JBVNL : Mr. Chandan Tiwari, Advocate

10/10.07.2024

1. The learned counsel for the parties are present.
2. This writ petition has been filed for the following relief:
 - a) *Issuance of writ/writs(s)/ order(s) /direction(s) order/ orders, direction/directions for commanding upon the respondents to compensation the petitioner who has lost more than 60% of eyesight and hearing ability due to falling of naked wire of running current of respondent number-2 on 12.04.2018.*
 - b) *Issuance any other appropriate writ/writs, order/orders, direction/directions commanding upon the respondents to dispose of the representation (Annexure-4,11) on behalf of petitioner and compensate the petitioner.*
 - c) *Issuance any other appropriate writ/writs, order/orders, direction/directions as your lordships may deem fit and proper in the facts and circumstances of this case for justice and also for conscionable justice to the petitioner.*
3. The learned counsel for the petitioner has submitted that the petitioner suffered accident on 12.04.2018 on account fall of live wire on him due to which he lost his eyesight to the extent of 60% and also sustained other injuries. He submits that the eyesight has further deteriorated on account of the said injury. However, the petitioner is able to perform minimal work. The learned counsel submits that the

petitioner has been given compensation only to the extent of Rs. 30,000/- which is insufficient and is contrary to the Gazette notification issued by the Jharkhand State Electricity Regulatory Commission dated 21st of December, 2018. The learned counsel has submitted that during the pendency of this case, the amount was paid and at the time of filing of the writ petition nothing was paid to the petitioner.

4. The learned counsel appearing on behalf of the respondents has submitted that the assessment of damages is done on the basis of circulars issued by the respondents and the notification which is being relied upon the petitioner is subsequent to the date of the accident and therefore, the petitioner is not entitled for compensation in terms of the said notification but the order of assessment revealed that the petitioner has suffered 40% visual disability and in terms of the circular mentioned therein the assessment has been done and Rs. 30,000/- has awarded to the petitioner.

5. The learned counsel submits that the respondents have full sympathy with the petitioner and if any help can be extended to him through corporate social responsibility the needful will be done by the respondents if the petitioner files appropriate representation to that effect. However, so far as the quantum of compensation is concerned the same has been assessed in terms of circular and therefore no further compensation is payable.

6. After hearing the learned counsel of the parties and considering the facts and circumstances of this case, this Court is of the considered view that the accident has taken place on 12.04.2018 and the claim of compensation by the petitioner by relying upon the Gazette notification dated 21st of December, 2018 is not acceptable. The clause A2(2.2) clearly provides that the regulation came into force from the date of its publication in the Official Gazette of the Government of Jharkhand which was published on 21st December, 2018.

7. However, it appears that during the pendency of this case the assessment with regard to compensation has been done vide Memo

No. 418 dated 27.02.2020 and it is not in dispute that the assessed amount of compensation to the extent of Rs. 30,000/- has been paid to the petitioner. Accordingly, this court is not inclined to pass any order asking the respondent to pay any further compensation to the petitioner.

8. This Court is however of the view that the petitioner having suffered serious injury, it is also the responsibility of the respondent JBVNL to take all possible care and extend help to the petitioner under the corporate social responsibility so, that the suffering of the petitioner are mitigated to some extent and for that purpose the respondents themselves have submitted that if anything is possible under Corporate Social Responsibility, the same will be extended to the petitioner but certainly in accordance with law.

9. Accordingly, the petitioner may approach the respondent No. 3 by filing a representation and if anything is possible within the parameters of law under corporate social responsibility , the respondent No.3 shall do the needful expeditiously so that the suffering of the petitioner are mitigated.

10. This writ petition is accordingly disposed of.

11. Pending I.A, if any, is closed.

(Anubha Rawat Choudhary, J.)

Rakesh