



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 15130 of 2026

Phoolchandra

.....Petitioner(s)

Versus

Purvanchal Vidyut Vitran Limited (D.L.W.)
Bhikharipur Varanasi And Another

.....Respondent(s)

Counsel for Petitioner(s) : Tarun Kumar Sahu, Viresh Kumar Gupta
Counsel for Respondent(s) : Udit Chandra

Court No. - 40

**HON'BLE SARAL SRIVASTAVA, J.
HON'BLE SUDHANSHU CHAUHAN, J.**

1. Heard learned counsel for the petitioner and Sri Udit Chandra, learned counsel appearing for the respondents.
2. The petitioner, by means of the present writ petition, has approached this Court challenging the order dated 13.03.2026 passed by respondent no. 2, whereby his claim for payment of compensation under the Office Memorandum dated 25.09.2021 has been rejected on the ground that the deceased was not an employee of the Corporation.
3. The aforesaid order has been assailed on the ground that there is a report submitted by the Deputy Director, Electrical Safety, Varanasi, wherein it has been specifically recorded that the deceased, Shiv Kumar Gupta, was directed by Hanuman Prasad Patel, Junior Engineer and contractual employee of the respondent-corporation, to climb the electric pole for rectifying the electricity fault. The Deputy Director, taking note of the aforesaid facts, recommended that appropriate compensation be granted to the dependants of the deceased.
4. The matter was taken up on 02.07.2026, on which date an adjournment was sought by Sri Nitesh Kumar Patel, learned counsel holding brief for Sri Udit Chandra, learned counsel for the respondents. However, considering that the matter relates to payment of compensation and has been pending since 09.04.2026, this Court proceeded to hear the matter.
5. During the course of hearing, this Court apprised the learned counsel that

the report clearly records that the deceased was directed to climb the electric pole for rectifying the electricity fault and that the said report had been completely ignored while passing the impugned order. This Court also observed that it was inclined to summon the Managing Director, Purvanchal Vidyut Vitran Nigam Limited, to explain how respondent no. 2 had acted in such an insensitive manner while denying the genuine claim of compensation of the petitioner.

6. Upon the observations so made by this Court, Sri Nitesh Kumar Patel, holding brief for Sri Udit Chandra, requested that the matter be passed over for some time so as to enable him to obtain instructions. After obtaining instructions, he made a statement before this Court that the respondent-corporation was ready and willing to pay a sum of Rs.7,50,000/- to the petitioner in terms of the Office Memorandum dated 25.09.2021. However, considering that Sri Nitesh Kumar Patel was only holding brief for Sri Udit Chandra and that the latter was not available before the Court, this Court adjourned the matter with the understanding that the process for payment of compensation would be initiated and that, on the next date, when Sri Udit Chandra, learned panel counsel, was present before the Court, his statement would be recorded and appropriate orders would be passed.

7. Today, when the matter has been taken up, Sri Udit Chandra, resiling from the statement made by his junior counsel, Sri Nitesh Kumar Patel, has proceeded to argue the matter on merits. He submits that the report, which according to this Court supports the case of the petitioner, has been misread by the Court and that the report, in fact, supports the respondent-corporation. He also submits that there is no illegality in the impugned order.

8. He further submits that the deceased, Shiv Kumar Gupta, was never an employee of the Corporation and, therefore, no liability can be fastened upon the respondent-corporation to pay compensation. Learned counsel further submits that under Section 161 of the Electricity Act, the Electrical Inspector is only empowered to submit a report and that he has no authority to recommend payment of compensation. It is further submitted that Hanuman Prasad Patel was not an employee of the Corporation and, therefore, had no authority to direct the deceased to climb the electric pole for carrying out repair work.

9. He next submits that under Rule 36 of the Indian Electricity Rules, 1956,

shutdown of electricity can be granted only upon a request made by an authorised officer of the respondent-corporation. According to him, in the present case there was no authorised officer present and, therefore, no shutdown of electricity supply could be made by the respondents. Consequently, according to him, there is no illegality in the impugned order.

10. We may record that all the aforesaid submissions are wholly misconceived.

11. So far as the first submission, namely, that the officer conducting the enquiry was only competent to submit the report and had no authority to recommend payment of compensation, is concerned, the Electricity Department has nowhere disputed the authenticity or correctness of the report submitted by the Deputy Director. Even assuming that the Deputy Director had no authority to recommend payment of compensation, the report unequivocally records that the deceased climbed the electric pole on the instructions of Hanuman Prasad Patel, a Junior Engineer and contractual employee of the respondent-corporation, for rectifying the electricity fault. Thus, the report conclusively establishes that the deceased undertook the repair work on the instructions of an employee of the respondent-corporation.

12. So far as the submission that Hanuman Prasad Patel was not an employee of the respondent-corporation is concerned, the report submitted by Deputy Director, Electrical Safety specifically records that Hanuman Prasad Patel was working as Junior Engineer and contractual employee of the respondent-corporation. Once such a categorical finding has been recorded by a competent officer, it is not open to the respondent-corporation to deny its responsibility by contending that Hanuman Prasad Patel was not its employee. Further the impugned order dated 13.03.2026 has very conveniently overlooked this material aspect of the matter in controversy.

13. It is pertinent to note that this is a case involving payment of compensation to the family of a deceased person, who lost his life while carrying out work which, according to the report of Deputy Director, the deceased undertook on the instructions of an employee of the respondent-corporation. The Office Memorandum dated 25.09.2021 has been issued with an object to provide immediate financial relief to the dependants of persons who lose their lives or suffer injuries in accidents on account of fault

of the Electricity Establishments. In such circumstances, the aforesaid submission is wholly untenable.

14. So far as the third submission, namely, that shutdown could have been granted only upon the request of an authorised officer of the respondent-corporation and therefore, in the absence of such request there could not have been any shutdown, is concerned, the said submission has no relevance whatsoever so far as the controversy involved in the present case in concerned.

15. We further record that we find the conduct of the respondent-corporation to be wholly insensitive and unjustified in denying compensation on such hyper-technical grounds, which have no bearing on the facts of the present case.

16. We have perused the report submitted by the Deputy Director, Varanasi, Electrical Safety, Government of Uttar Pradesh. The report clearly records that the deceased was directed to climb the electric pole to rectify the electricity fault on the instructions of Hanuman Prasad Patel. The relevant extract of the report reads as under:-

"दुर्घटना अनुसंधान से विदित होता है कि पूर्वान्चल विद्युत वितरण निगम लिमिटेड की एक एल० टी० लाइन ए० बी० केबल के माध्यम से प्राथमिक विद्यालय रखौली जौनपुर के परिसर में लगे पी०सी०सी० पोल से होते हुए आगे ले जाई गयी है श्री शिव कुमार गुप्ता पुत्र श्री फूल चंद्र गुप्ता निवासी ग्राम -हसनपुर पोस्ट-भीखपुर, थाना- मुंगराबादशाहपुर जौनपुर, उपकेंद्र पर तैनात संविदाकर्मी श्री हनुमान प्रसाद पटेल के साथ प्राथमिक विद्यालय के अंदर लगे पोल के पास गए और पोल पर संविदाकर्मी श्री हनुमान प्रसाद पटेल द्वारा बिना शटडाउन लिए श्री शिव कुमार गुप्ता को विद्युत खराबी को ठीक करने हेतु चढ़ा दिया गया जिससे उनको करंट लगा और पोल से नीचे गिर पड़े तथा विद्युत से घातक दुर्घटना घटित हो गयी यह दुर्घटना भारतीय विद्युत नियमावली 1956 के नियम ३६ (२) का अनुपालन न होने के कारण घटित हुई। जिसके लिए निगम के संविदाकर्मी श्री हनुमान प्रसाद पटेल एवं श्री शिव कुमार गुप्ता संयुक्त रूप से उत्तरदायी है। जिनके विरुद्ध निगम आवश्यक कार्यवाही सुनिश्चित करे। अवर अभियंता एवं संविदाकर्मी श्री हनुमान प्रसाद पटेल का बयान सत्य प्रतीत नहीं होते हैं अनुसंधान के समय पूर्वान्चल विद्युत वितरण निगम लिमिटेड के अधिष्ठापन में पायी गयी त्रुटियों का निवारण कराने हेतु नियम 5(4) के अंतर्गत जारी आदेश का निगम अनुपालन कराया जाना सुनिश्चित करे एवं निगम सहानुभूतिपूर्वक विचार करते हुए घातक रूप से दुर्घटित श्री शिव कुमार गुप्ता के पिता श्री फूल चंद्र गुप्ता को उचित क्षतिपूर्ति प्रदान करें।"

17. A perusal of the aforesaid report further reveals that the Deputy Director has recommended payment of appropriate compensation to the dependants of the deceased. In the counter affidavit, the respondent-corporation has not

disputed either the genuineness or the authenticity of the said report.

18. Once an officer of the rank of Deputy Director, Electrical Safety, Varanasi, has categorically recorded in his report that the deceased, Shiv Kumar Gupta, climbed the electric pole on the instructions of Hanuman Prasad Patel, who, without obtaining shutdown, directed him to carry out the repair work resulting in the electrocution of Shiv Kumar Gupta and the accident occurred on account of non-compliance of Rule 36(2) of the Electricity Rules, 1956. This, Court expresses it's serious concern about the lax and negligent manner in which the respondent-corporation has dealt with the issue involved.

19. Accordingly, we deem it appropriate to summon the Managing Director, Purvanchal Vidyut Vitran Nigam Limited, respondent no. 1, to apprise him as to how the officers of the respondent-corporation are acting in such a casual and callous manner while denying the genuine claim of compensation made by the petitioner.

20. Accordingly, the Managing Director, Purvanchal Vidyut Vitran Nigam Limited, respondent no. 1, shall remain personally present before this Court on 13.07.2026.

21. We also do not appreciate the conduct of the learned counsel for the respondents. On the previous date of hearing, the junior counsel, Sri Nitesh Kumar Patel, made a statement before this Court, after obtaining instructions, that the respondent-corporation was ready and willing to pay compensation to the petitioner. Today, Sri Udit Chandra has resiled from the said statement without offering any satisfactory explanation.

22. After the Court dictated the order, learned counsel for the respondents submitted that the Court was compelling the respondents to comply with the order "at gunpoint". We fail to understand the tenor and propriety of such a submission, particularly when it has been made by a counsel who is an officer of the Court.

23. List this matter on 13.07.2026 as fresh.

24. At this stage, Sri Udit Chandra, learned counsel for the respondents, submitted that the matter may not be taken up on 13.07.2026, as he would not be available on that date.

25. We are not inclined to accept the aforesaid request. On the earlier occasion also, sufficient indulgence had been granted to him, as has already been recorded hereinabove. The Court cannot fix dates according to the convenience or choice of the learned counsel who being an officer of the Court, is expected to remain present and assist the Court on the date fixed in the matter.

July 8, 2026
Gaurav

(Sudhanshu Chauhan,J.) (Saral Srivastava,J.)