



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18328 of 2020

Executive Engineer (Elect.),

*Bhadrak South Electrical
Division, Bhadrak*

Petitioner (s)

*Mr. Prasanta Kumar Tripathy,
Advocate*

-versus-

*Pabitra Kumar Barik &
Anr.*

Opposite Party(s)

*Mr. Susanta Kumar Tripathy,
Advocate*

CORAM:

THE HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

24.02.2026

07.

1. This matter is taken up through hybrid arrangement.
2. The Petitioner has filed this Writ Petition with a prayer to quash the final report dated 18.03.2020 passed by the Orissa Human Rights Commission in Case No.3227 of 2016 vide Annexure-1.
3. Learned counsel for the Petitioner submits that Opposite Party No.1 was engaged purely as an Apprentice Trainee for the limited purpose of observing the maintenance of electrical installations in the Dhamnagar Electrical Section pursuant to the order issued by the Manager (HR), NESCO Utility, Balasore. The period of apprenticeship was from 27.01.2015 to 26.01.2017, and he joined his place of training on 29.01.2015. His engagement was confined to practical exposure and



observation; he was not entrusted with independent operational responsibilities on live lines.

4. It is further submitted that on 02.04.2015, an 11 KV line at Kanjiapal under Doblal Feeder developed a breakdown. One Ashok Kumar Sahoo, a designated lineman, was assigned the task of attending to the said breakdown. On 13.04.2015, owing to the absence of other co-workers engaged in tree-cutting operations, the lineman undertook maintenance work single-handedly. During the course of such maintenance, limited assistance of Opposite Party No.1 was allegedly taken for minor support work and jumpering of the 11 KV line at Kanjiapal for the purpose of thorough checking.

5. It is contended that for the purpose of detecting any defect in the line, the lineman proceeded to the Kanjiapal site for verification, leaving Sri Barik (Opposite Party No.1) at the spot to observe and report any apparent issue. At about 12:35 P.M., Sri Barik unfortunately met with an electrical accident and sustained injuries. He was immediately shifted to the Dhamnagar Community Health Centre for treatment.

6. Learned counsel emphatically submits that Opposite Party No.1, being only an Apprentice Trainee, was never authorized by the competent authorities, namely the Junior Engineer, S.D.O., or Executive Engineer of NESCO Utility, to



climb the 11 KV line or to undertake any repair work thereon. His role was strictly observational in nature, and any act beyond the scope of such apprenticeship was neither directed nor sanctioned by the Petitioner or the competent supervisory officers. As per the training requirement of the Apprentice, they have to learn different skills and obtain technical knowledge/practical, but, not to interfere with the live line without precautionary steps. On the alleged date of accident, the Opposite Party No.1 suo-motu climbed the pole and interfered the live line without the permission and knowledge of the competent authority, as a result, faced the accident. It was due to the carelessness approach of the victim.

7. Opposite Party No.1/Complainant approached Opposite Party No.2—the Human Rights Commission, alleging, inter alia, that in the year 2015, pursuant to a recommendation made by the Balasore Government ITI Apprentice Training Institution, his name was forwarded by the Corporate Office of NESCO Utility to the Manager (Electrical), Bhadrak South Electrical Division, Bhadrak. In terms thereof, he joined on 27.01.2015 and was subsequently directed to discharge his apprenticeship at the Dhamnagar Electrical Section, where he continued from the date of such engagement.



8. It is alleged that on 13.04.2015, upon occurrence of a breakdown of the 11 KV line at Kanjiapal under the Doblal Feeder, one Sri Ashok Kumar Sahoo, Lineman-C, called upon him to accompany him to the site for repair work. According to the complainant, upon reaching the spot, the said lineman directed him to climb the electric pole and undertake the repair work. It is his specific case that, acting under the instruction and pressure of the lineman, he climbed the pole and while carrying out the repair work, suddenly suffered an electric shock, as a result of which he fell to the ground and sustained grievous injuries

9. He was immediately taken to Dhamnagar Hospital and thereafter shifted to the District Headquarters Hospital. Subsequently, he was referred to Kalinga Hospital at Bhubaneswar for advanced treatment. During the course of treatment, his right hand had to be amputated. He further underwent treatment at Agrawal Eye Hospital. It is alleged that his father incurred medical expenses exceeding Rs.10 lakhs by obtaining loans from various sources for his treatment. He has stated that he received a sum of Rs.1,00,000/- from the State Government and that the departmental authorities also bore certain expenses towards his medical treatment



10. The complainant further alleges that though assurances were extended by the departmental authorities to provide him with employment in view of the permanent disability suffered by him, no such employment has been provided till date. With the aforesaid averments it was prayed for grant of compensations for the loss caused to him and for giving permanent employment in the establishment of NESCO. On the basis of the inquiry made by the Executive Engineer on the spot the reply has been submitted. Sri Ashok Kumar Sahoo the area Lineman against whom serious allegation has been made also filed a separate reply denying the allegations made in the Complaint Petition. It was submitted by him that, the 11 KV line at Kanjiapal was under brake down on 12.03.2015 and he was directed for maintenance work of the said 11 KV line. On 13.04.2015, as the co-workers of the Lineman were absent due to tree cutting and maintenance work of the 11 KV line, the maintenance work of the 11 KV line was carried out by him single handedly, for which he took the assistance of the victim Pabitra Barik for minor maintenance work. For thorough checking and for finding out of any bottleneck in the line, he proceeded to Kanjiapal side for minor repair work and Sri Barik was sent to the other side for verification of any problem. At about 12.30 P.M. a loud sound of mishap was heard by him and



he immediately rushed to the site and found that Sri Barik (Opp. Party No.1) met with an electrical accident. Immediately, he along with others had taken the victim to Dhamnagar Common Health Center for treatment. The allegation made by the Opp. Party No.1 that, at the instance of the Lineman-C he climbed the Pole and met with an electrical accident has been denied. It was further submitted that, the said accident was occurred due to own latches and lapses on the part of the victim.

11. The Electrical inspector submitted a report before the Commission regarding the electrical accident, wherein the Electrical Inspector observed that the accident occurred due to the careless and irresponsible action of Surendra Kumar Sahoo as he had issued the line clearance to both Ashok Kumar Sahoo and Sri Tapas Kumar Barik on the same 11 KV feeder and he had charged the said feeder only after receipt of line clearance return from Tapas Kumar Barik without waiting for the line clearance return from Sri Ashok Kumar Sahoo. Instead of attending his own duty Sri Ashok Kumar Sahoo Lineman-C persuaded Sri Pabitra Kumar Barik to climb up the pole and do the jumpering work without any protective equipment which clearly indicates that he was negligent his own duty.



12. So far as the medical expenses are concerned, he has indicated that, as per the statement of Sri Barik he had spent 13.06 Lakhs whereas as per the statement given by Sri Barik he was given Rs.7 Lakhs by NESCO.

13. It is contended that the Commission, without affording due opportunity of hearing to the present Petitioner and without properly advertent to the objection filed by Sri Ashok Kumar Sahoo, proceeded to pass the impugned order holding that the electrocution occurred on account of re-charging of the 11 KV Doblal Feeder while the victim was allegedly engaged in repair work. On such premise, the Commission concluded that the occurrence was a clear instance of negligence on the part of the employees of NESCO Utility and consequently, the employer was vicariously liable for the damage caused by such negligence.

14. On the basis of the aforesaid finding, the Commission recommended payment of compensation to the tune of Rs.15,00,000/- to the complainant, directing that the said amount be paid by NESCO Utility. It is the grievance of the Petitioner that the said conclusion was arrived at without proper appreciation of the factual matrix, without affording effective opportunity of hearing, and in disregard of the specific defence that the complainant, being an Apprentice



Trainee, was neither authorized nor assigned to undertake repair work on a live 11 KV line. Challenging the said final report dated 18.03.2020, the present Writ Petition has been filed contending that the final report dated 18.03.2020 communicated by the Human Rights Commission recommending to make payment of Rupees 15 Lakhs to the victim is illegal arbitrary and is liable to be set-aside.

15. It is submitted that Regulation 26 of the Odisha Human Rights Commission (Procedure) Regulations, 2003 mandates that the Commission shall afford personal hearing to the parties before arriving at any decision in a proceeding. In the present case, despite the Petitioner having categorically disputed the allegations levelled by the complainant and having placed its defence on record, the Commission proceeded to dispose of the matter without granting an effective opportunity of personal hearing to the Petitioner

16. It is further contended that Sri Ashok Kumar Sahoo, Lineman-C, had filed a detailed objection explaining the circumstances under which the accident occurred. Apart from the said objection, a reply was also submitted by the Executive Engineer placing the factual position before the Commission. However, without advertng to or dealing with the objections submitted by Sri Ashok Kumar Sahoo and the reply of the



competent authority, the Commission concluded that there was negligence on the part of the officers of NESCO Utility and that such negligence resulted in the accident. On such conclusion, recommendation for payment of compensation of Rs.15,00,000/- was made against the management.

17. It is also brought to the notice of this Court that pursuant to the interim order dated 11.03.2022 passed by this Court, the Petitioner-Company has already paid a sum of Rs.5,00,000/- to Opposite Party No.1. The balance amount of Rs.10,00,000/- remains to be paid.

18. Considering the submissions advanced by the learned counsel for the Petitioner and the learned counsel for Opposite Party No.1, and upon perusal of the materials available on record, this Court directs the Petitioner to pay the remaining sum of Rs.10,00,000/- to Opposite Party No.1 within a period of two months from today. In the event of failure to comply with the aforesaid direction within the stipulated period, Opposite Party No.1 shall be at liberty to move this Court by filing an appropriate application for necessary orders.

19. Accordingly, the CRLMC is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali