

# **ORISSA ELECTRICITY REGULATORY COMMISSION**

**BIDYUT NIYAMAK BHAWAN  
UNIT-VIII, BHUBANESWAR – 751 012**

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Present : Shri B.K. Das, Chairperson  
Shri S.K. Jena, Member  
Shri K.C. Badu, Member

## **Case No.28/2008**

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|--|------|----------------------|
| Director (Engineering), OERC   | .... | Petitioner           |
| Vrs.   |      |                      |
| 1. EE(Elec), Aska Electrical Division, Aska  |      |                      |
| 2. SDO(Elec), Purusotampur, SOUTHCO  |      |                      |
| 3. Jr. Manager(Elec), Purusotampur, SOUTHCO  |      |                      |
| 4. J.K. Mallik, Electrician, Purusotampur Electrical<br>Section, Purusotampur            |      |                      |
|  | -    | Respondents          |
| 5. Chief Electrical Inspector (T&D), Govt. of Orissa, BBSR                               |      |                      |
| 6. Dy. Electrical Inspector (T&D), Govt. of Orissa,<br>Berhampur                         |      |                      |
|  | -    | Proforma Respondents |
| 7. CEO, SOUTHCO, Courtpetta, Berhampur, Ganjam   |      |                      |
| 8. S.K. Jetti, JE, Baliguda Section, PED, Phulbani                                       |      |                      |
| 9. Kama Sethi, SDO, Vigilance under SE Vigilance<br>Corporate Office, SOUTHCO, Berhampur |      |                      |
| 10. C.S. Swain, EE I/c, Aska Electrical Division, Aska                                   |      |                      |
| 11. K. B. Padhi, SE, Electrical Circle, Berhampur  |      |                      |
|  | -    | Respondents          |

**In the matter of: Suo-motu proceeding initiated by the Commission  
under Section 142 of the Electricity Act, 2003.**

## **ORDER**

**Date of Hearing: 09.09.2008**

**Date of Order: 01.11.2008**

Mr. S.N. Ghosh, Director (Engg.) the designated petitioner in this case, Mr. M.K. Mohapatra, Advocate for the Respondent Nos.1, 2, 3, 8, 9, 10 and 11, Mr. K.B. Padhi, SE, Mr. J.V.S. Kumar, DEI (T&D), Mr. C.S. Swain, EE, AED, Aska, Mr. I. Hussain, SDO, Mr. Ashis Kumar Jena, Jr. Manager (Elec.), Mr. Kama Sethi, SDO (Vig.), Mr. R.N. Sahoo authorized representative of Respondent No.4 - Mr. Jugal Kishrore Mallick, Mr. P.K. Pal, CEI(T&D) and Mr. A.K. Bohra, CEO, SOUTHCO are present.

2. The petitioner submitted that, on 19.01.2008 at about 20.30 hrs., the LT cable of 2X100 KVA 11/0.4 KV S/S situated adjacent to the Police Station, Purusotampur started burning. One Lineman Sri Srinibas Bhuyan was brought by the Junior Manager, Purusotampur from other Fuse Call centre to attend to the fault. The line clear on the 11 KV line from the 33/11 KV S/S, Purusotampur was not properly taken by the J.M. Sri Jugal Kishore Mallik ITI Trainee Lineman on duty at the 33/11 KV S/S was telephonically instructed by the J.M. to hand-trip the 11 KV Purusotampur feeder and not to charge the same till the telephonic clearance is given. Sri Bhuyan was having competence to work as Lineman-C upto 650 volts only but was allowed to attend the work at the 11/0.4 KV S/S in violation of Rule-3(2) of the I.E. Rules, 1956. The 11/0.4 KV S/S of Purusotampur was having 2 nos. of 100 KVA transformers in one D.P. structure with one H.G. fuse in utter disregard of the provisions of Rule-50(1)(b)(i) of the I.E. Rules, 1956. There was no link switch with fuse or circuit breaker of adequate capacity provided to the transformers of the D.P. structure. The inspection formality of the said 11/0.4 KV S/S was not being followed by SOUTHCO. Without application of mind, Sri Jugal Kishore Mallik charged the 11 KV line from the 33/11 KV Purusotampur S/S for which Sri Bhuyan was electrocuted at about 21.10 hrs. and died. The petitioner has thus alleged that –

- (i) persons with inappropriate permit licence were entrusted the maintenance work in Purusotampur area of SOUTHCO;
- (ii) appropriate line clear issue and return procedure were not followed;
- (iii) the substations were constructed in violation of the provisions of the I.E. Rules, 1956;
- (iv) authorities did not check and rectify the above errors; and
- (v) the line was charged by the person manning the 33/11 kV S/S 2 Kms. away without confirming whether a person was still working on the line.

As SOUTHCO is contravening the provisions of the Safety Rules, I.E. Rules, 1956 etc., the licensee may be punished u/s 142 of the Electricity Act, 2003 after due process of hearing. In the circumstances stated above, petitioner prayed that the Commission may take cognizance of the facts, enquire into the matter and pass such orders as deemed just & proper.

3. Mr. M.K. Mohapatra on behalf of Respondent No.1 stated that the Respondent had joined in Aska Electrical Division on 07.12.2007. After his joining, he came to know that it has a continuing practice to take line clearance by writing in a register available at 33/11 KV s/s and sometimes during emergency, the line clearances were being taken over by telephonic message. The s/s where the fatal accident occurred was constructed during the year 1997-98 and no periodical maintenance has been carried out in it from time to time. The Respondent had taken proper action within his purview to meet the safety guideline as per I.E. Rule for which he had inspected the s/s and instructed the JE and SDO, Purusotampur to maintain the line clearance register properly by collecting the

prescribed forms from the higher authority. After the occurrence of the accident, he had further given instruction to his employees not to allow any line clearance over telephone. He further stated that in the instant case proper person had been engaged having workman permit certified by the Electrical Inspector. During the particular time (shift) of the accidental death of the deceased Bhuyan, the grade B lineman Sri Bisoyi had applied CL and the same was approved by the JE, Purusotampur, so it is his duty to manage the staff for proper maintenance and emergency work s/s. He further stated that the line clearance was taken over by JE, Purusotampur and Sri Jugal Kishore Mallick had admitted that the JE had not returned line clearance from which it is quite clear that the accident occurred due to charging of 33/11 KV feeder by Sri Mallick, the only person available at the time of line charging at Purusotampur s/s.

4. Mr. Mohapatra further stated that there are several factors, for which the above Respondent could not be able to follow the guidelines as provided under the I.E. Rules in spite of his best efforts. Due to lack of man power and required materials, proper maintenance of the Electrical installations could not be carried out by the field officers and staffs. Hence he should not be prosecuted under Section 142 of the Electricity Act, 2003.
5. Mr. Mohapatra also presented on behalf of Respondent No.2 – SDO (Electrical) SOUTHCO and for Respondent No.3 - Jr. Manager (Elec.), SOUTHCO, Purusotampur. He stated that at that time of the accident, the Respondent No.2 was not in charge of the Purusotampur Sub-division. He joined in this sub-division as SDO on 06.02.2008 in support of which he submitted the copy of the transfer order. He pleaded that Respondent No.2 may not be prosecuted u/s 142 of the Electricity Act, 2003. He cited similar argument for Respondent No.3 who joined in the Electrical Section as Jr. Manager (Elec.), Purusotampur on 24.03.2008. Xerox copy of the transferred order was filed by the Respondent as a proof. He also stated that after their joining in the said sub-division/section, sincere effort has been made for proper maintenance of the electrical installation and adopting safety measures in order to prevent electrical accident. He also further stated that the strict guidelines of I.E. Rules for adoption of safety measures can be possible if required materials and manpower are provided by the higher authorities.
6. Mr. R.N. Sahoo, the authorized representative of Respondent No.4 – Sri Jugal Kishore Mallick stated that the Respondent is a technician apprentice under SOUTHCO vide its order No.17028 dated 13.03.2007. On 19.01.2008 at about 7.30 PM the Respondent gave his missed call from a mobile No.9937987732 to Sri Jethi, JE Electrical, Purusotampur, incidentally the said mobile of Sri Jethi was with the Accountant Sri Arjun Sahu at that time. As there was no reply to his missed call, he phoned again which was attended by Arjun Sahu and Sri Mallick told him to convey to Sri Jethi the JE that he was alone in the s/s and was feeling scared in the night as concerned lineman Sri Bisoyi was on leave. Sri Sahu informed him that the JE would arrive at the s/s at 9.00 PM after his dinner. At about 8.30 PM Mr. Jethi instructed him over phone to trip the Purusotampur 11

KV feeder without opening AB switch. Accordingly, Sri Mallick tripped the 11 KV s/s and again after few minutes Mr. Jethi instructed him not to charge the feeder unless he instructs to do so. After tripping the feeder, Sri Mallick got phone from different consumers on s/s land phone No. 06811-275717. Then, after at about 8.35 PM he got a call in the mobile of Sri Bisoyi, lineman of the s/s ( who was on leave on that day and left his mobile with Sri Mallick). Sri Bisoyi enquired about the cause of tripping as he himself was a consumer under that s/s. The Respondent(Sri Mallick) explained the position and also told him that he was alone there in the night shift. Therefore Mr. Bisoyi told him to ask an old man Sri Pahala Behera who is staying in a close proximity of the s/s in a small hut and doing potato harvesting in the s/s. Accordingly, he gave a missed call to Sri Bisoyi after calling Sri Behera who is at an audible distance from the s/s. When Mr. Bisoyi telephoned, the Respondent handed over the phone to Sri Behera. Sri Bisoyi requested him to be with the Respondent in the night. Sri Bisoyi phoned him at that night which was the third missed call from his mobile, Sri Mallick was in the police custody at about 9.00 PM. Just after this telephone, again the Respondent had got a phone from Mr. Jethi, JE that Sri Bhuyan was dead. Mr R.N.Sahoo submitted that within two minutes of the accident Mr. Jethi came to the s/s on a bike with an outsider and directed the Respondent to trip all the 11 KV feeders of the s/s and accordingly the Respondent tripped the feeders. Thereafter the JE left the s/s hurriedly. On 20.01.2008 at about 2.40 AM the SDO (Elec.) Sri Kama Sethi took Mr. Mallick from Police custody to the s/s for charging of the feeder. According to his direction the Respondent charged the feeder in the same night and the Respondent was asked to be present to put forth the presentations on the matter before the enquiry officer on 20.01.2008 without waiting for the form-A of the SOUTHCO which was submitted to the enquiry officer on 22.01.2008. In the enquiry report it is mentioned that *“The statement of Sri Ram Nahak, Lineman that Sri Mallick charged the line at the instruction of Sri Bisoyi”*. It is surprising that when the Respondent was alone in the s/s how and from which source Sri Nahak heard such a serious allegation against him is not mentioned. So the allegation is malafide with ulterior motive to harass the low paid trainee like Sri Mallick of SOUTHCO. The enquiry officer has not inquired properly and made the respondent responsible for the accident basing on his imagination. Therefore, the Respondent No.4 prayed the Commission to exonerate him from any penal of action u/s 142 of the Electricity Act, 2003.

7. On behalf of Respondent No.5 & 6 Mr. P.K. Pal, CEI (T&D) stated that as per the submission of Respondent No.4, the Respondent No.6 has only inspected the accident spot and verified the condition of 33/11 KV s/s at Purusotampur on 20.01.2008. As against submission at para 10 of the Respondent No.4, the enquiry officer did not mention anywhere that Sri Mallick had charged the line at the instruction of Sri Bisoyi. The dump report taken from the feeder and the dump report of consumer No.CP-1536 and CP-1520 are matching with each other. Further all the mentioned consumers are having generators with change over switches and therefore there is no possibility of back feeding from the generators. Moreover the argument of the counsel on behalf of Respondent No.4 that as the generator was running the power supply is stepped up from 400 V to 11000 V is

baseless. If at all a Generator was running at that time, it would not have that much capacity to take the entire 11 KV load of that feeder at that moment. If the feeding end is other than 33/11 KV s/s, why the 11 KV Breaker tripped at 21.10 hours at 33/11 KV s/s which was charged at 21.09 hours. Secondly as regards the argument of the Respondent No.4 that why it took 1 (one) minute to trip the breaker at Purusotampur end Sri Pal submitted that the time of contact with the 11 KV line by the deceased Bhuyan, might be at any time between closing of the breaker and tripping of the breaker i.e. 21.09 hours and 21.10 hours respectively on 19.01.2008. The most important factor should be taken is the time when the breaker was charged and not when it tripped since except Respondent No.4, who was present there in the 33/11 KV s/s as admitted by him, nobody else was there it is clearly established that he had charged the 11 KV line due to which Sri Bhuyan faced the accident. As it was not the fault of the Respondent Nos.5 & 6, they should not be prosecuted u/s 142 of the Electricity Act, 2003.

8. As per the direction of the Commission, the CEI (T&D), GoO submitted that the total number of electrical accident reported to the Inspectorate along with no. of human and animals electrocuted for the last five years i.e. 2003-04 to 2007-08 is 752 out of which 210 occurred under SOUTHCO.
9. The written statements taken by the DEI (T&D), Berhampur (Res.No.5) of the following persons regarding accident which occurred on 19.01.2008 are as follows:
  - i) Sri S.K. Jethi, JE, Polsara: That Sri Jethi is working as JM (Elec.) since October, 2006 under SDO Purusotampur. He had got a telephonic message from an outsider that the cable of the Purusotampur s/s was burning on 19.01.2008, so he immediately instructed Sri Mallick to hand trip 11 KV line at Purusotampur feeder at 8.40 PM in the presence of Jagarnath Panda (ITI Apprentice Trainee) and some other public. Then he instructed Sri Jagarnath Panda to whom he had taken with him to the above spot and instructed him to call Sri S. Bhuyan to bring a cable and repair the s/s. Before attending to work, he again confirmed from Sri Mallick regarding the isolation of the line and AB switch. As confirmed by Sri Mallick that the line was under off condition and at that time people gathered from the nearby hospital and police station asked him many questions regarding the line shut down and as he was answering to their queries, he forgot to instruct the lineman Sri Bhuyan to isolate the AB switch of the affected s/s. After rectification of the line such as separating the cable which was coming in contact with another cable, he was on the way to come down from the said transformer when he came in contact with the HV Bus/Jumpers and got electrocuted since the line was charged from 33/11 KV s/s. At the time of attending the fault the deceased was not wearing gloves/helmets and Sri Jethi did not instruct him to wear these. In his opinion Sri Mallick, who was working in the 33/11 KV s/s charged the line without his clearance for which the accident occurred. He also stated that this type of taking line clearance and returning clearance was

continuing in the above section within the knowledge of the SDO Purusotampur since long.

- ii) Statement of Sri Jagannath Panda, ITI Trainee: As per the statement he was assisting the lineman of Bedha supply fuse call centre but there is no lineman posted till date. On the date of accident he had been instructed by JE Purusotampur to call lineman Sri Srinivas Bhuyan of Kumbhari supply centre to attend the burnt LT cable of police station. Accordingly, he called Sri Bhuyan to bring a cable sheath to replace the burnt cable which was facing other conductors. During that time, the line was disconnected by JE from 33/11 KV s/s over phone. Then Sri Bhuyan reached the said s/s and climbed to the top of HG fuse without isolating the AB switch of the s/s and also without wearing gloves and helmet. Mr. Bhuyan also did not ask to bring the ladder to climb the pole. While Bhuyan touched the 11 KV conductor at the time of coming down from the DP structure, he was electrocuted.
  - iii) Sri Ram Nahak, Lineman C working at Tarateni Section. On 19.01.2008 at 8.30 hrs when he was taking rest at his house, a loud noise came from the s/s at the police station, so he went there and saw that Sri Bhuyan was burning due to electrocution. Then he went with his son to the structure, where only Sri Mallick was present. Sri Nahak asked him who charged the line, Mr. Mallick told him that Sri S.K. Jetti, J.E Purussottampur took shutdown over telephone and also instructed over telephone not to charge the line unless he instructed.
10. Mr. A.K. Bohra, CEO, SOUTHCO stated that the fatal accident occurred on 19.01.2008 causing death of Sri Srinivas Bhuyan, Lineman C of Purusotampur s/s. It was due to negligence of not complying the safety rules by the deceased and wrong charging of line by Sri Mallick, ITI Trainee technician. The AB switch of the 11/4 KV s/s where the deceased was attending the fault, was in operating condition and the repair of fault was made on that day of incident without isolating the AB switch of the concerned DTR. He also stated that proper line clearance procedure was not maintained, which has been verified and reported in the inquiry report submitted by the Dy. Electrical Inspector (T&D), Berhampur. He also stated that SOUTHCO has suspended Ex-SDO, Purusotampur, Sri Kama Sethi and JE, Sri S.K. Jetti and Sri J.K. Mallick, ITI Trainee immediately after the fatal accident occurred as per the report submitted by the Dy. Electrical Inspector. He further stated that the disciplinary proceedings are contemplated by SOUTHCO against the SDO, JE and ITI Trainee which is currently under process. In regards to the safety measures, SOUTHCO has conducted training about the safety rules through its GM (T&D) in the month of January, February, April and August, 2008 respectively at different sub-division and division level where the employees starting from helper to sub-division peoples had been trained and advised to observe the safety rules so that the accident could be avoided. So he prayed to the Commission to drop the proceeding 142 of the Electricity Act, 2003 against him.

11. Mr. Mohapatra on behalf of Respondent No.8 stated that the Respondent is not at all responsible for the accident as he had never willfully and negligently as well as intentionally not complied direction issued by the Commission. He further stated that since the time of joining the section, it was the regular practice to take line clearance over phone and to meet the emergency. Sri Mallick negligently without taking the line clearance had charged the line and while Sri Bhuyan tried to come down he came in contact with charged 11 KV line and electrocuted which happened within a minute. So Mr. Mallick is responsible for the fatal accident as he charged the line from the s/s without taking written line clearance from the field officer and because he was the only person available at the time of charging at 33/11 KV s/s in Purusotampur. It is also reported by the Dy. Electrical Inspector, Berhampur. He also further submitted that there is no scope to charge the 11 KV feeder either from touching of any other power line to the 11 KV feeder and no scope of coming power from the generator by stepping up from medium voltage to high voltage. If any person runs their generator there is no possibility of charging 11 KV feeder of power supply through the DTR at peak load hour. He further stated on behalf of Respondent No.9 that the allegations made against the said Respondent are not all correct and it is admitted that a fatal accident was occurred on 19.01.2008 as a result of which one lineman Sri Bhuyan died due to electrocution. The Respondents are not at all responsible for the accident as they had never willfully, negligently and intentionally not complied the direction of OERC, for which he cannot be punished u/s 142 of the Electricity Act, 2003. Mr. Mohapatra further submitted that the Respondent has joined the sub-division on 19.06.2006 and since his joining, he pointed out that it was the regular practice to take line clearance over phone to meet the emergency. He also stated that on the date of accident, the Respondent was absent in the sub-division as he had gone to the village Vatakumurada for inspection of LT low ground clearance of the new cement road. The fact of the accident was intimated by the junior accountant Sri Arjun Sahu to him. Thereafter he went to the accident spot. During examination, the Respondent found that the accident occurred due to negligence of Sri Mallick, who without checking the line clearance, has charged the line. While Sri Bhuyan wanted to come down after completion of his work, he came in contract with charged 11 KV line and the accident occurred within one minute. Due to several factors, the Respondent could not be able to follow the guidelines as provided under I.E. Rules inspite of his best efforts. As such, lack of manpower and required materials, proper maintenance of electrical installations could not be carried out by field officers and staffs. Hence, this Respondent should not be prosecuted u/s 142 of the Electricity Act, 2003.
12. That, so far as the accident is concerned Sri Mallick, ITI (Tech.) is responsible for the accident as he had charged the line without taking written line clearance from the field officer. He further stated that Mr. Mallick had charged the line as he is the only person available at the time in the 33/11 KV s/s of Purusotampur and this has been confirmed by the report of the Dy. Electrical Inspector, Berhampur which is given below:

*“Therefore, it is clearly established that Sri Bisoyi and Sri Mallick are hiding the facts and Sri Bisoyi has definitely instructed to Sri Mallick to energize the line at 21.09 hrs of 19.01.2008, both Sri Mallick and Sri Bisoyi having after thought jointly in connivance to each other are lying and are trying.....”*

It is further submitted that by this Respondent that there was no scope to charge the 11 KV feeder either from touching of any other power line to this 11 KV feeder and no scope of coming power from generator by stepping of from medium voltage to high voltage. If any person runs its generator there is also no possibility of charging 11 KV feeder of power supply through the DTC at peak load hours. The observation made by the Dy. Electrical Inspector, Berhampur was that, soon after one minute of charging, the line tripped from 33/11 KV s/s, Purusotampur, from which it shows that if the supply is from the load end in case of coming in contact by the victim to 11 KV charged line due to step up from generator source shall not make power trip at 33/11 KV s/s breaker.

13. He further stated that there are several factors for which the Respondent could not be able to follow the guidelines as provided under I.E. Rule inspite of his best efforts such as lack of man power and required materials, proper maintenance of the electrical installations could not be carried out by the field officers and staffs. For the purpose of maintenance, the Respondent has made several correspondent with his higher authorities vide letter No.1082 dated 24.11.2006 addressed to the Executive Engineer. Similar instructions has been given also to the Jr. Engineer vide letter No.519 dated 07.05.2007 for planning of shut down of the different feeders for replacement of insulators. He also stated that 11 nos. of lineman C and 11 nos. of helpers were required for proper maintenance at the various installations of the area. For this, the Respondent had made a requisition to fill up those posts on 30.11.2007. But, the higher authorities did not consider the letter of the said Respondent. The guidelines of I.E. Rules and instruction issued by OERC can be carried out by the field officers if proper cooperation such as procurement of materials and manpower are provided by the higher authorities. The Respondent tried his best to bring the s/s into proper condition and he has not committed intentional negligence as has been alleged while discharging his official duty. Hence, the Respondent should not be prosecuted u/s 142 of the Electricity Act, 2003.
14. Mr. Mohapatra Advocate for the Respondent No.11 - Mr. K.B. Padhi, S.E. (Electrical), Berhampur Circle stated that the Respondent is not at all responsible for the accident as he has never willfully or negligently as well as intentionally not complied the direction issued by the Commission. He also stated that after joining of the Respondent in that Circle, he came to know that it is the continuous practice to take line clearance by writing in a register available at 33/11 KV s/s. In case of urgency the line clearance is also being taken over telephone message. After the accident occurred, the said Respondent inspected the s/s and instructed the field officer to maintain the line clearance register properly by collecting the prescribed forms from the higher authorities and also no line clearance should be taken over telephone. He further stated that in the instant case proper person has



been engaged having workman permit certified by the Electrical Inspector, Govt. of Orissa. During the particular shift of the accidental death, lineman Grade-B Sri Bisoyi had applied for CL, which has been approved by the JE, Purusotampur and it is his duty to manage the staff for proper maintenance and emergency work of the s/s.

15. He also stated that in the instant case though the line clearance was taken over telephone by the JE, Purusotampur which was admitted by Sri Mallick that JE has not returned line clearance from which it is quite clear that the accident occurred due to charging of 33/11 KV feeder by Sri Mallick as he was the only person available at the time of line charging in the s/s and the deceased being a technically qualified as well as experienced person had not taken precaution while he attended the repair work. He further stated that the Respondent is not at all responsible for the present accident and during his service career he has never willfully and intentionally violated the guidelines and directions issued by the OERC from time to time. He also stated that as the Commission issued direction to initiate a proceeding u/s 146 of the Electricity Act, 2003, the present proceeding u/s 142 should be dropped against this Respondent in the interest of justice.
16. The petitioner had raised the following issues as indicated in para-2 earlier:
  - (i) Persons with inappropriate license were entrusted with the maintenance work in Purusottampur area of SOUTHCO.
  - (ii) Appropriate line clearance and written procedure work was not followed.
  - (iii) The s/s were constructed in violation of the provisions of the I.E. Rules 1956.
  - (iv) The authorities did not check and rectify the above errors and lines were charged by the person manning the 33/11KV s/s two K.M. away without confirming where the persons are still working on the line.
17. After hearing the parties and on perusal of the case records, we are as convinced that the loss of life and property was preventable if appropriate safety provisions were scrupulously followed by the licensee and their employees which were lacking in the present case. Hence, it is established beyond reasonable doubt that the procedure of issue of line clear permit for carrying out work was not followed which laid to an unfortunate fatal accident. This is a serious offence which calls for stringent punishment to be awarded by the licensee. This basic tenet of transmission and distribution supply business has been violated by the Officer-in-Charge. The supervisory officials have never seem to have taken corrective action about this nature of practice prevailing in their areas of operation for which they are also punishable under law for failure to honour the safety provisions in the Indian Electricity Rules, 1956.

This requires no capital expenditure, a pet theme whenever any deficiency regarding power supply is discussed. The supervising officials are careless about the repercussion of non-observance of safety provision affecting life and property of individuals. Hence, for contravention of the provision of I.E. Rule, 1956 a token penalty of Rs.100/- is imposed on each of the person named below who were in charge of power supply on the date of occurrence of accident.

- i) Mr. C.S. Swain, Executive Engineer (Elec.), Aska Electrical Division, Aska
- ii) Mr. J.K. Mallick, Electrician, Purusotampur Electrical Section, Purusotampur.
- iii) Mr. S.K. Jetti, JE, Baliguda Section, PED, Phulbani
- iv) Mr. Kama Sethi, SDO, Vigilance under SE Vigilance, Corporate Office, SOUTHCO, Berhampur
- v) Mr. K. B. Padhi, SE, Electrical Circle, Berhampur

The penalty shall be recovered from the salary of the persons concerned and deposited in the Govt. Treasury under the receipt Head of Account *0043-Taxes and Duties on Electricity-102-fees and penalty under Indian Electricity Rules, 1956*. This is without prejudice to the right of the licensee for imposition of any other disciplinary action that the licensee may decide to take for enforcement of safety provision.

Specifically for carelessness and negligence attitude of the field staff, the license to take appropriate disciplinary action against all the persons as reported in the inspection report of the Deputy Electrical Inspector. Disciplinary proceeding be initiated before 31.12.2008 and completed before 30.06.2009.

The direction of the Commission to proceed under section 146 shall continue even after levy of this penalty as provided under section 147 of the Act.

18. To avoid recurrence of such incident the licensee shall take the follow of action as under :
- a) To train, retrain and educate their employees as well as educate their executives regularly.
  - b) For the all the technical employees starting from lineman to Executive Engineer level, it should be made compulsory to pass the professional examination conducted by the Govt. of Orissa to make them aware about safety provisions if required by making necessary changes to the Rules of the Govt. The increment falling during 2011-12 shall not be sanctioned unless the concerned officers/employees have passed the professional examination before the date of increment falling due in the financial year 2011-12.

- c) The Electrical Inspectorate organization of the Govt. of Orissa have to discharge their responsibility of periodical and annual inspection and follow safety standards and as a statutory body they can not abdicate responsibility of not carrying out the statutory inspections for absence of personnel in their organization which the Govt. shall have to address if accidents are to be averted. Appropriate professional examination may be conducted for all the technical employees of all distribution companies, OPTCL, OHPC and GRIDCO.
19. The case is disposed of accordingly.

Sd/-  
**(K.C. Badu)**  
Member

Sd/-  
**(S.K. Jena)**  
Member

Sd/-  
**(B.K. Das)**  
Chairperson