

Sr.No.234

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-2451-2014(O&M)

Decided on: 21.09.2015

Nirmala Devi

.....Petitioner

vs.

Haryana Vidhyut Parsaran Nigam and others

.....Respondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.SKS Bedi, for the petitioner.

Mr. P.S.Sullar, Advocate for respondents.

Mahesh Grover, J

This is a writ petition where the petitioner prays for grant of compensation on account of the death of her son Spoy Joginder Singh who was electrocuted at the age of 19 years due to the negligence of the respondents.

The petitioner had on an earlier occasion filed a Civil Writ Petition No. 9119 of 2000 before this Court with the same prayer and this Court had disposed it of with the direction that the issue be decided before the Permanent Lok Adalat (Public Utility Services) after taking into consideration various parameters prescribed by law on the said issue. By virtue of the order dated 02.04.2013 the Public Utility Services has held the respondents negligent in causing the death of the son of the petitioner on account of electrocution entitling the petitioner to compensation of Rs.4,00,000/-, which the petitioner now contends to be inadequate as all the parameters governing the grant of compensation have been ignored.

A perusal of the impugned order shows that income of the deceased was taken to be Rs.4,000/- and 1/3rd deducted on account of personal

expenses. After taking the dependency at Rs.3,000/-, multiplier of 13 was adopted to conclude a figure of Rs.4,00,000/-. Pleading inadequacy of compensation the present writ petition has been filed to contend that the deceased was a Spoy earning Rs.4,000/- per month and being in Army he was entitled to free rations and other necessities of daily use which would have substantially enhanced his ability to contribute to family. Besides the deceased would have served the Army for substantial number of years with promotions coming his way, improving his financial prospect.

The respondents in turn opposed the prayer of the petitioner to justify the compensation already granted.

After considering the matter, I am of the opinion that the Permanent Lok Adalat (Pubic Utility Services) has clearly ignored relevant factors in determining the compensation. It is to be noticed that the issue of negligence has not been questioned by the respondents and thus, the solitary issue that remains to be determined is of grant of compensation.

The petitioner was a Spoy in the Army and would thus, be entitled to substantial perks, the Army makes available to its personnel. Therefore, the personal expenditure of the deceased would have been less than what has been determined by the trial Court. In these circumstances, it would be safe to ascertain the dependency at Rs.3,500/- giving a concession of Rs.500/- per month to the deceased for his own use. This would bring the annual dependency to Rs.42,000/- and in terms of the decision of the Hon'ble Supreme Court rendered in **Smt. Sarla Verma and others v. Delhi Transport Corporation and Anr. 2009(4) ALL MR 429**, the multiplier would be 18 which would bring the compensation to Rs.7,56,000/-. The future prospects of the deceased were also scuttled. Therefore, it would be appropriate to grant him lump sum of Rs.1,00,000/- on this count. Taking

the total compensation to Rs.8,56,000/-, the petitioner would thus be entitled to the aforesaid amount along with interest @ 9% per annum from the date of filing of the earlier Writ Petition No. 9119-2000 till the date of its realization.

Disposed of in the above terms.

21.09.2015

mamta

(MAHESH GROVER)

JUDGE