

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.24259 of 2015

Date of Decision :19.11.2015

Dakshin Haryana Bijli Vitran Nigam

....Petitioner

Versus

Permanent Lok Adalat and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present: Mr. Manish Dadwal, Advocate
for the petitioner.

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MAHESH GROVER.J.

The petitioner impugns the award passed by the Permanent Lok Adalat granting total compensation of Rs.9,24,000/- to the dependents of the deceased who had died on account of electrocution which was attributed to the negligence of the Nigam.

Learned counsel for the petitioner contends that Rs.6,000/- has been taken as income of the deceased in the absence of any proof of income and if that was to be done then the government instructions should have been taken into consideration regarding minimum wages @ Rs.4,847/- as per the notification dated 21.2.2012.

On due consideration of the matter, I am of the opinion that while assessing compensation in the cases where there is no

proof of income the courts or the authorities bestowed upon determination of the compensation are very well within their right to treat the person as a labourer. The notification the learned counsel for the petitioner has sought to be relied upon was never produced before the authority concerned which went on to assess the income of the deceased as Rs.6,000/- per month which is not excessive at all. The finding recorded in the impugned order determining the income at Rs.6,000/- per month cannot be seriously faulted with, as even otherwise the government instructions prescribing wages are merely a guiding factor to ensure a minimum wage which does not necessarily mean that a labourer would not be earning a higher amount. It is only a guarantee to a worker that he will not be paid below this amount.

No other point has been urged.

Dismissed.

19.11.2015
dss

(MAHESH GROVER)
JUDGE