

In the High Court of Punjab and Haryana at Chandigarh

CWP No.13769 of 2014 (O&M)

Date of decision: January 11, 2016

Boor Chand

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ram Kumar Saini, Advocate for the petitioner.
Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.
Mr. Rajesh Gaur, Additional Advocate General, Haryana.

RAJESH BINDAL, J.

The petitioner has filed the present petition challenging the order dated 18.12.2013 (Annexure P-3) passed by the Deputy Commissioner, Sahibzada Ajit Singh Nagar (Mohali) vide which his application for grant of compensation under the Solatium Scheme, 1989 (for short 'the Scheme') framed under the Motor Vehicles Act, 1988 was dismissed.

Learned counsel for the petitioner submitted that son of the petitioner succumbed to the injuries in a hit and run case. He claimed compensation under the Scheme. He filed application with the Deputy Commissioner, Sahibzada Ajit Singh Nagar (Mohali). The same was rejected on the ground that the accident had taken place at Village Smailpur, District Ambala, hence, the application for grant of

compensation has to be filed with the competent authority.

Learned counsel for the petitioner did not dispute the fact that the accident had taken place in District Ambala. However, he submitted that the forms required for submitting the claim were not issued to him by the Deputy Commissioner's office when he visited for the purpose.

Clause 20 of the Scheme provides that the applicant can submit an application seeking compensation under the Scheme in Form-I along with duly filled in discharge receipt in Form-II and the undertaking in Form-V to the Claims Enquiry Officers of the Sub-Division or Taluka in which the accident takes place. The period upto which the application can be filed has also been provided. It is not borne out from the Scheme that any application forms provided under the Scheme are to be issued by the Deputy Commissioner to enable a claimant to submit the application. If there is any such system that needs to be discontinued, there being no such enabling provision in the Scheme as learned counsel appearing for the State of Haryana is not aware of the fact as to whether these forms are issued by the Deputy Commissioner's office or not.

Relevant Clause 20 of the Scheme is reproduced, hereunder:

“20. Procedure for making the claim application-(1) The applicant shall submit an application seeking compensation under this scheme in Form I alongwith duly filled in discharge receipt in Form II and the undertaking in Form V to the Claims Enquiry Officer of the Sub-Division or Taluka in which the accident takes place.

(2) An application under clause (1) shall be made within a

period of six month from the date of the accident:

Provided that an application made after six months but not after 12 months from the date of the accident may be accepted by the Claims Enquiry Officer, if he is satisfied that there are reasonable grounds to condone the delay.

(3) Where the Claims Enquiry Officer does not accept the grounds advanced by the applicant he shall record speaking orders and communicate to the applicant reasons for not accepting the claim application.”

After hearing learned counsel for the parties, in my opinion, the present petition can be disposed of giving opportunity to the petitioner to file his application on the statutory forms provided in the Scheme, under which the petitioner is seeking to claim compensation, which shall be considered and decided by the competent authority in the time frame provided in the Scheme with intimation to the petitioner.

Ordered accordingly.

(RAJESH BINDAL)
JUDGE

January 11, 2016
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