

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**FAO No. 5299 of 2015 (O&M)**  
**Date of Decision : 05.02.2016**

New India Assurance Company Ltd. ....Appellant

Versus

Jeeto Devi and others ....Respondent

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Ashwani Talwar, Advocate  
for the appellant-Insurance Company.

**Surinder Gupta, J. (Oral)**

Heard.

Learned counsel for the appellant-Insurance Company argues that deceased Karam Chand was posted as Assistant Sub Inspector in Haryana Police. He met with an accident on 13.02.2014 resulting in his death. As the deceased was a Haryana Government employee, claimants were allowed benefits as per Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006. The claimants will get full last drawn salary of the deceased for a period of 12 years. The Tribunal has not considered this aspect while assessing the quantum of compensation.

The above matter came up for consideration before Division Bench of this Court in the case of **Reliance General Insurance Co. Ltd. vs. Purnima and others, 2013 (2) PLR 306**. This judgment was relied upon in other appeals decided by this Court. One of the appeal was **FAO No. 5498 of 2011 (Smt. Shashi Harit vs. Harish Chander)** decided on 13.02.2013 against which Special Leave to Appeal (C) (CC) No. 13948 of 2014

was filed by Cholamandalam M.S. General Insurance Co. Ltd., wherein operation of the judgment passed by this Court was stayed.

Special Leave to Appeal filed in the case of **Smt. Shashi Harit (supra)** has since been dismissed by the Apex Court on 28.10.2015. As held by Division Bench of this Court in the case of **Purnima (supra)**, the amount of benefits under the compensatory scheme of the State are not to be considered while calculating the amount of compensation to be awarded to the claimants in an accident case.

In view of above, submissions made by learned counsel for the appellant have no merits.

No other argument has been raised.

This appeal has no merits and the same is dismissed.

**February 05, 2016**  
jk

**( SURINDER GUPTA )**  
**JUDGE**