

In the High Court of Punjab and Haryana at Chandigarh.

1. CWP-12182 of 2013
Decided on 29.08.2017

Ram Ratti and another

--Petitioners

Vs.

State of Haryana and others

--Respondents

2. CWP-13255 of 2013

Angoori Devi and another

--Petitioners

Vs.

State of Haryana and others

--Respondents

3. CWP-3398 of 2014

Raj Kumar and another

--Petitioners

Vs.

State of Haryana and others

--Respondents

4. CWP-23438 of 2014

Roodi Devi and another

--Petitioners

Vs.

State of Haryana and others

--Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Harish Bhardwaj, Advocate,for the petitioners
in CWP 12182 and 13255 of 2013

Mr.M.K.Mittal,Advocate for the petitioners
in CWP- 23498 and 3398 of 2014

Mr. Ashok Muthreja, D.A.G, Haryana

Mr.P.S.Poonia,Advocate,for respondent Nos.2 to 6.

Rakesh Kumar Jain,J: (Oral)

This order shall dispose of four writ petitions bearing CWP Nos.12182,13255 of 2013, 3398 and 23438 of 2014 as the issue involved in all these petitions is identical as the petitioners are claiming compensation on account of deaths of their family members occurred due to electric shock.

Dakshin Haryana Bijli Vitran Nigam (for short,DHBVN) issued a notification dated 22nd February 2017, regarding Compensation Policy for the fatal/non-fatal accidents of Human Beings due to electrocution.

Mr.Poonia, learned counsel for the respondents has submitted that though policy dated 22nd February,2017 is issued by DHBVN but it is followed by all the Generation and distribution licensees. Clause 11 of the said policy has been highlighted which reads as under:-

“Private Person for Fatal Accident & Non-Fatal Accidents.

DHBVN is engaged in the hazardous activity and risky for the human life and thus DHBVN owns strict liability for compensation to the private person.

Accordingly, the compensation to the private person

shall be payable in case of fatal as well as non-fatal accident irrespective of the reasons for such accident as the electricity system is open to the public. The compensation amount shall be payable as per the provision of the Employees Compensation Act, 1923. However, this compensation shall be applicable for the accident cases occurring with the electrical net work of the DHBVN and not in private premises”.

Mr. Poonia, has further submitted that under the Employees Compensation Act, 1923, the age and income of the deceased has to be considered and a formula is applied by multiplying the income of the deceased considering his age. It is submitted that if there is no evidence about the income of the deceased, the minimum wage has to be considered.

Thus, in view of the aforesaid facts and circumstances, all the four petitions are disposed of with a direction to the respondents to consider the cases of the petitioners for the purpose of grant of compensation on account of deaths of their family members due to electric shock in terms of the aforesaid policy notified on 22nd February, 2017. The competent authority, under the policy who has to grant compensation, shall issue notices to the petitioners in all the four petitions in terms of the policy, within a period of one month and thereafter, the petitioners would set up their claims before the competent authority, who shall decide the matter of compensation within a period of two months thereafter.

It is needless to mention that the competent authority shall also grant interest to the petitioners on the amount of compensation which they

would be entitled from the date of death. Interim compensation, if already granted by this Court shall also be adjusted.

29.08.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No.