

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP 1958 of 2017

Date of Decision: February 15, 2017

District Social Welfare Officer, Yamunanagar and ors.

.....Petitioners

Vs.

Sumit Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Gaurav Jindal, Addl. A.G., Haryana,
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

The Award passed by Lok Adalat for Public Utility Services in the jurisdiction of powers under Section 22 C of the Legal Services Authority Act, 1987, for short 'the Act', granting compensation to respondent No.1 to the tune of Rs.1 lac and litigation expenses of Rs.8000/- under Rajiv Gandhi Parivar Bima Yojna with interest at the rate of 9% per annum from the date of filing of petition, the State of Haryana has filed this petition under Articles 226/227 of the Constitution of India on the ground that the Permanent Lok Adalat for Public Utility Services constituted under the Act has got no jurisdiction to adjudicate the claim of the party. Reliance

in this context has been made to the judgment in **Reliance General Insurance Company Limited Vs. Vijay Kumar and another**, CWP No.20825 of 2010, decided on January 4, 2012, wherein it was observed that if parties do not reach to the final settlement despite of best efforts of the Lok Adalat to explore the possibility of settlement, Lok Adalat shall have no option except to return the reference to the Court wherefrom it was received. In the light of observations in said judgment it has been contended that Lok Adalat has no jurisdiction to directly invoke the provisions of Section 22 C (8) of the Act.

I have considered the claim of the State and gone through the order passed by Permanent Lok Adalat for Public Utility Services. A perusal of the order passed by Permanent Lok Adalat indicate that the said Adalat has granted the benefit of insurance service scheme launched as Rajiv Gandhi Parivar Bima Yojna to provide help to the family members in case of death of a person belonging to low poverty line. A perusal of the order indicates that the State Government had contested the claim of respondent No.1 tooth and nail by even challenging the jurisdiction of the Lok Adalat on the ground it does not fall under the ambit of Section 22 A (b) of the Act. There had never been any offer from the petitioner side for amicably resolving the dispute. A perusal of Section 22 A (b) (vi) of the Act clearly indicates that the insurance service falls under Public Utility Service. There being apparently no chance or offer of any compromise and the Lok Adalat being vested with jurisdiction to decide the claim of respondent No.1 as per

Section 22 C (8) of the Act, there does not appear to be any illegality in the exercise of jurisdiction by the Court below. The eligibility of the respondent and the parameters which have been laid down for grant of relief under the above said Scheme have been taken into consideration by the Court below. The said scheme is a piece of beneficiary legislation for poor people to grant compensation. The relief granted to respondent No.1 is not unreasonable or beyond the jurisdiction of the Court.

The petition is dismissed.

February 15, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.