

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.24853 of 2017

Date of Decision: November 02, 2017

Gurpartap Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Rishabh Gupta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for seeking direction to the respondents to grant compensation/monetary benefits to the petitioner on account of death of his son Balkar Singh allegedly by electrocution and also to give compassionate employment to his elder son Jaskar Singh.

The case set up by the petitioner is that on 06.08.2016 at about 07.00 PM, his son Balkar Singh, aged about 20 years, was playing cricket in the ground of Government Middle School, Village Pandhori Bibi, Tehsil and District Hoshiarpur. There is a high tension wire passing over the school building touching its roof. While playing cricket, the ball fell on the roof and the deceased Balkar Singh went to fetch the ball but unfortunately he suffered electric shock while coming in contact with the high tension wire. He was taken to the hospital where he was declared dead. The death certificate is attached as Annexure P-1. On the same day, the matter was allegedly brought to the notice of the Lambardar of the Village, who reported the matter to the police on the basis of which Roznamcha was

prepared on 7.8.2016 and DDR No.30 dated 20.8.2016 was entered into at Police Station, Mantiana, District Hosiarpur. Thereafter, the petitioner made a representation dated 3.10.2016 to the respondent-authorities for compensation and compassionate employment to his elder son, namely, Jaskar Singh but to no effect. Hence, the present petition has been filed.

Learned counsel for the petitioner has argued that the fact with regard to death having been occurred is proved from the DDR, which was entered into on 20.8.2016. It is further submitted that the Police Officer, who had recorded the DDR, has specifically mentioned that he had verified the factum and manner of the death of Balkar Singh.

I have heard learned counsel for the petitioner and perused the record.

It is a case where the petitioner has made an allegation that his son has expired because of electric shock and is asking not only for compensation but also compassionate employment to his elder son. The cause of death is not established by any other mode of evidence except the alleged DDR, which is also registered at the instance of the petitioner. In this regard the best evidence would have been the postmortem report in which it could have been mentioned as to what was cause of death of Balkar Singh. Until and unless the cause of death is not proved by leading cogent evidence, the liability of the respondents cannot be fastened much less for the purpose of paying monetary benefit and also for giving compassionate employment to the elder son of the petitioner.

Faced with these observations, learned counsel for the petitioner prays for withdrawal of the petition in order to file a civil suit in

this regard where he would try to prove the cause of death of Balkar Singh and also the amount of compensation which should have been paid.

In view of the request made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with liberty aforesaid.

November 02, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No