

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 821 of 2015

Date of decision : August 17, 2017

Sukhjit Kaur and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. B. S. Jaswal, Advocate
for the petitioners.

Ms. Sunint Kaur, AAG., Punjab.

Ms. Meena Bansal, Advocate
for respondent Nos. 2 to 5.

RAKESH KUMAR JAIN, J (oral).

Petitioner No.1 is the widow of Tarsem Singh and petitioner Nos. 2 to 6 are his minor children who are aggrieved against the order dated 24.4.2014 passed by respondent No.3 by which compensation to the tune of Rs.3,84,280/- has been awarded to the petitioners on account of death of Tarsem Singh.

Counsel for the petitioners has submitted that though the compensation was assessed to the tune of Rs.7,68,560/- but it has been reduced to 50% on the ground that electric wire was snapped by the tractor-trolley, therefore, the said owner/driver of the tractor trolley is originally liable to the extent of 50%.

Counsel for the petitioners has submitted that nothing has

tractor-trolley for the purpose of denying compensation to the petitioners but counsel for the respondents reiterated the stand taken by them which is noticed in the impugned order.

I have heard learned counsel for the parties and examined the record.

There is no dispute that at the time of accident the deceased was 37 years of age and got entangled in a broken wire which is maintained by the respondent-Corporation and died at the spot. There is no evidence on record that the wire was broken by the tractor-trolley therefore, the respondents cannot place the burden of 50% compensation on the owner of the tractor-trolley to be paid to the petitioners. Therefore, am of the considered opinion that the impugned order is totally illegal and the same is hereby set aside insofar as it reduces the compensation to 50% to be paid to the petitioners.

Accordingly, it is directed that the entire amount of compensation of Rs.7,68,560/- shall be disbursed to petitioner No.1 within a period of one month along with interest @ of 9% per annum which shall be calculated from the date of accident i.e. 17.9.2013.

Counsel for the petitioners, at this stage has requested that since there are minor children of the deceased and there is no male member, therefore, the respondents may be directed to provide compassionate appointment to petitioner No.1 (widow of the deceased) if possible.

Keeping in view the facts and circumstances of the case, much less the fact that the deceased Tarsem Singh has left behind as many as five minor children and a widow, respondent No.2 is directed to take into

consideration the financial position of the family of the deceased and in case there is a policy for providing compassionate appointment in such type of cases, then the case of petitioner No.1 be considered sympathetically and appropriate employment be given to her. The time frame of three months is fixed for respondent No.2 to do the entire exercise from the date of receipt of certified copy of this order.

The writ petition is allowed.

(RAKESH KUMAR JAIN)
JUDGE

August 17, 2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No