

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

CWP No.4891 of 2017

Date of Decision.10.03.2017

Arti and others

.....Petitioners

Vs

State of Haryana and others

.....Respondents

Present: Mr. Narender Pal Bhardwaj, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner challenges the impugned order (Annexure P-1) whereby the claim for compensation, as per Annexure P-2 i.e. Mukhya Mantri Kishan Evam Khetihar Mazdoor Jiwan Suraksha Yojna, 2013, has been declined.

Learned counsel for the petitioners submits that the petitioners are the legal heirs of deceased-Manoj Kumar, who, according to the averments in the writ petition and as well as the DDR, while working in the agriculture field on 15.07.2015 died due to electrocution. The death certificate is attached as Annexure P-3 and the DDR also reflects the same.

On the same day, postmortem was conducted, annexed as Annexure P-5, which shows that the cause of death was owing to the electrocution.

Resultantly, the application for claiming compensation was filed on 27.08.2015 (Annexure P-6) and the statement was recorded by the police.

The petitioner did not receive any response from respondent No.3 and after waiting for sufficient time, sought information through RTI. Thereafter, the impugned order dated 14.02.2016 (Annexure P-1) came to be passed

stating that the investigation had been conducted where it has been found

that Manoj Kumar son of Bir Singh was working as Tailor and he died due to electric shock while ironing cloths, thus, the impugned finding is erroneous and perverse, owing to the fact that the petitioner has not been associated.

This Court called upon the counsel for the petitioner to apprise the name of the owner of the field, much less, any revenue record to establish that he was an employee or drawing any salary and the answer was through the affidavit dated 15.09.2015 of Chander Bhan son of Gainda Ram to the effect that he had agricultural land and Manoj Kumar son of Bir Singh had taken the same on lease. Even the revenue record of the same has not been enclosed.

Be that as it may be but the fact remains that it is a mixed question of fact and law and the petitioner would have to establish the same by leading direct and cogent evidence with regard to belie the reasoning given in the impugned order by seeking the production of documents and provisions of the Evidence Act, in order to establish the claim but not in the mode and manner as has been done when the dispute is with regard to avocation of the deceased whether he was working as agricultural labour or tailor.

For the reasons aforementioned, I do not intend to interfere with the order under challenge, however, liberty is granted to the petitioner to avail the remedy as indicated above. The writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 10, 2017
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No