

CWP No.12244 of 2017

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.12244 of 2017
Date of decision:25.01.2018**

Ved Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Sonia G. Singh, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner has challenged the order dated 04.05.2016 by which the amount of ₹1 lac claimed by him under the Rajiv Ghandi Parivar Bima Yojna (hereinafter referred to as the "Scheme") has been declined.

In brief, son of the petitioner, namely, Randeep Singh, died in a motor vehicular accident, which occurred on the intervening night of 07/08.01.2014 at about 11.00 pm at Bus Stand Janesaro in front of Kashyap Dhaba at Indri Road, District Karnal and in regard to which FIR No.11 dated 08.01.2014, under Sections 279, 337, 304-A IPC was registered at Police Station Indri, District Karnal against Raj Kumar S/o Des Raj. After the accident, deceased Randeep Singh was shifted to Government Hospital, Karnal from where he was referred to the PGI Chandigarh, where he succumbed to the injuries suffered on 28.02.2014. The petitioner, being father of the deceased, has claimed the amount of ₹1 lac under the Scheme, notified on 30.08.2011 by

the Social Justice and Employment Department with an aim and object of providing immediate succor to the family of the deceased in case of death or to the person disabled due to various types of accidents like rail/road accidents, fires, drowning, snake bites, electrocution and farming equipment or even un-natural causes like murder, poisoning etc. The said application has been declined by the respondents on the ground that the deceased, at the time of his death, was under the influence of alcoholic drink, therefore, he was not entitled to the amount in terms of Clause 2(ii)(B)(i) of the Scheme.

Learned counsel for the petitioner has submitted that since the petitioner was not driving the vehicle and was sitting on the back seat, therefore, his being under the influence of alcoholic drink does not make any difference for the purpose of claiming the amount. However, in the reply filed by the respondents, the discharge summary of the deceased issued by the PGI Chandigarh has been attached as Annexure R-1, which reads as under:-

“BRIEF HISTORY AND CLINICAL FINDINGS:

Alleged H/O RSA on 7/1/14 at around 11.00 p.m. while driving car which hit the bridge cocili and fell down patient in the back of car was under the influence of alcohol at the time of injury, was then referred to Kalpana Chawla Medical College- referred to PGIMER H/O Loc cut, vomiting 2-3 episodes. No H/O Service ENT Bleed.”

It is submitted that the medical history given to the PGIMER cannot be denied because it was a natural reaction on behalf of the petitioner without knowing about the amount of compensation to be recovered under the Scheme.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that there is no merit in the present petition. There is no denial about the accident and the death of Randeep Singh.

However, it cannot be also denied that the medical history given to the PGI says that the deceased was driving the car which hit the bridge and he fell down on the back of the car but he was under the influence of liquor when he suffered the injuries. There is no question to dispute the medical history given to the PGI and there is no other document on record of that period to show that the said history given to the PGI was incorrect.

Thus, in view of the exception provided under Clause 2(ii)(B)(i) of the Scheme, the petitioner is not entitled to compensation because it is provided that if the death has occurred under the influence of alcoholic drink, then the amount cannot be given.

Consequently, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

January 25, 2018
vinod*

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No