

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

CWP No. 26456 of 2016.

Date of Decision: 02.07.2018

KANTI

..... *Petitioner*

V/s.

PUNJAB STATE POWER CORPORATION LIMITED AND OTHERS

....*Respondents*

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

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. G.S. Ghuman, Advocate,
for respondent No. 1.

RAKESH KUMAR JAIN, J. (Oral)

This petition is preferred by the mother of Rakesh Sahni who died on 31.08.2010 because of electrocution on account of negligence on the part of the respondent-department.

The incident was enquired into by the respondents in which the following facts have been found: -

“Facts and Findings

Ín the morning within the jurisdiction of Sub Division Sub Urban Guraya dated 31.08.2010 in Village Ghurka Sh. Rakesh Sawhney private person, who was passing through the fields and was entangled by broken electricity wire which was lying on the ground and he had died on the spot.

On examination of the site of occurrence and after recroding of the statements of witnesses in the narrative form it has been inferred that 100 KVA Transformer Surinder Singh Wala in Village

Ghurka had been installed. On the night of 31.08.2010, the conductor of outgoing line of 11 KVA Feeder had fallen on the ground due to which 11 KVA Feeder had tripped. Thereafter, the grid staff had applied breaker then the breaker had got held and the broken wire had become live. In the morning Sh. Rakesh Sawhney, private person who was travelling in the fields had come in touch with the live wire and had suffered electric shock, which resulted in his death on the spot.

Safety and Safety precautions

The reason for the occurrence was due to protection system which was defective. This occurrence is attributed to non-maintenance at the scheduled intervals. Therefore, the occurrence is attributed to the concerned staff under Rule 29 of IE, Rule 1956.”

Since, the petitioner’s son has died because of the fault of the respondent-department, therefore, petitioner is entitled for compensation.

Learned counsel for respondents has submitted that although, there is no such policy of the respondents to award compensation in case of death due to electrocution, even if the respondents have been negligent, yet it is submitted that the respondents may consider to award ₹4,00,000/- to the petitioner.

Learned counsel for the petitioner, however, submitted that in the case **Paramjit Kaur and others** Vs. **State of Punjab and others** ; 2008 (4) RCR (Civil) 772, the division bench of this Court has held that in such type of cases of electrocution, compensation has to be assessed in terms of the formula adopted while assessing the compensation in a case of a vehicular accident.

Taking a cue from the aforesaid decision of the Division Bench, I am of the considered opinion that the petitioner deserves compensation, to be assessed in terms of the formula being adopted in the case of vehicular accident.

Learned counsel for the petitioner has submitted that in the present case Rakesh Sahni was of the age of 22 years. He was hale and hearty and was working as labour with his landlord. It is submitted that he was earning ₹9,000/- per month. Even otherwise, in this age of inflation, ₹9,000/- being earned by the able bodied person is not impossible. Therefore, I hereby fix the income of the deceased as ₹9,000/- per month and after deducting 2/3rd which he would be definitely spending on himself, the dependency comes to ₹6,000/- and since, he was 22 years of age, therefore, multiplier of 17 is being applied and as such the total amount of compensation comes to ₹12,24,000/- (₹6,000/- X 12 X 17).

In view thereof, the present petition is hereby allowed and direction is issued to the respondents to pay a sum of ₹12,24,000/- to the widowed mother of the deceased-Rakesh Sahni, within a period of three months from the date of receipt of certified copy of this order. In case, compensation is not paid as prescribed/directed, the petitioner would also receive interest @ 9% per annum, after the expiry of three months.

July 2, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

Yes / No