

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

RSA No.5408 of 2016 (O&M)

Date of Decision: November 26, 2018

Jaswinder Kaur & others

...Appellants

Versus

Punjab State Electricity Board, Patiala & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

**Present: Mr. Amrik Singh, Advocate,
for the appellants.**

AMIT RAWAL, J. (Oral)

Appellant-plaintiffs have not been successful in claiming the compensation against the Electricity Board on account of death of Jagjit Singh, who, on 30.11.2005, unfortunately while on duty along with other staff, died due to electrocution. On enquiring the knowledge under Right to Information Act regarding the negligence, the aforementioned suit was filed claiming ₹ 10.00 lacs as compensation.

The defendants opposed the suit by raising preliminary objections with regard to maintainability and negligence. On merits, it was stated that the employees were given the training for following the safety rules and regulations, which were not followed.

Plaintiffs in support of the aforementioned claim, brought on record report Ex.PW4/A of the Assistant Electrical Inspector, who conducted the enquiry in the matter as per Section 161 of the Indian Electricity Act.

Mr. Amrik Singh, learned counsel representing the appellant-plaintiffs submitted that the report unflinchingly proved that the workers

and the deceased had followed the safety rules. There was negligence on the part of the respondents as respondent No.3 switched on the supply to the concerned line without ascertaining the fact whether someone was working on the said line or not. The accident could have been averted if the staff deployed at 220 KV Grid Sub-station Mohali performed their duty with full responsibility. The deceased was working on 220 KV line for removing the jumpers near Plot No.1, Phase-1, Industrial Area, Mohali and, therefore, negligence could not be attributed to the deceased.

I am afraid, the aforementioned argument is not sustainable, for, Assistant Electrical Inspector, in the cross-examination, admitted that it may be possible that Raghbir Singh Khara might have switched on Ramdip Feeder when he saw it closed. Be that as it may, the other co-worker Dharam Chand, in cross-examination, admitted that the earthing was done on one side, whereas the safety rules had been provided on both sides. In such circumstances, the deceased, who unfortunately died due to electrocution did not follow the safety measures, therefore, the legal heirs cannot seek the compensation as sought.

I do not subscribe to the aforementioned argument to form a different opinion than the one arrived at. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

November 26, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No