

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

CWP No.23131 of 2019

Date of Decision : 19.09.2019

Parwanti Devi

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.J.P.Sharma, Advocate
for the petitioner.

Mr.Rajbir Singh, Asstt.Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Husband of the petitioner, namely Sushil Kumar was a construction worker and registered with the Haryana Building and other Constructions Workers' Welfare Board. The identity card issued by the Board carrying registration number as also date of registration i.e. 30.09.2011 has been placed on record and appended as Annexure P-1.

As per averments made in the writ petition, Sunil Kumar died on 15.08.2018 while engaged in construction work. On application having been filed by the widow seeking financial assistance under the Welfare Scheme being run by the Board, an amount of Rs.2,15,000/- was sanctioned and released.

Instant writ petition has been filed seeking a Mandamus for such financial assistance to be enhanced to Rs.5,00,000/-.

On the last date of hearing a complete copy of the writ paper-book had been furnished to the learned State counsel so as to

make available for perusal of this Court the relevant scheme framed by the Board and under which a sum of Rs.2,00,000/- towards compensation and Rs.15,000/- towards funeral expenses had been released.

During the course of hearing today learned State counsel has adverted to a scheme by the name of 'Mukhya Mantri Samajik Suraksha Yojana'. As per such scheme it is open for the Board to sanction an amount of Rs.2,00,000/- to the dependents/nominee of a registered member towards financial assistance in the case of a death. If the death occurs due to accident during the course of employment at work place, the dependents/nominee of the registered member is to be given Rs.5,00,000/-. The scheme also prescribes certain eligibility conditions which read as under :-

1. The deceased must be a registered beneficiary of the Board.
2. Copy of FIR in regard to the accident.
3. Post-mortem Report.
4. Death Certificate.
5. Inquiry report from concerned area officer.
6. Proof of nominee/legal heir.

Undoubtedly, in the facts of the present case a report was furnished by the Assistant Director, Industrial Safety and Health Labour Department, Rewari and as per which an inquiry had been conducted and a recommendation had been made to the Secretary of the respondent-Board that Rs.5,00,000/- be released as the labourer Sushil Kumar had died on 15.08.2018 at the work place. While

making such recommendation, apparently the authority concerned had even recorded the statements of the employer as also two witnesses.

Be that as it may, one of the requirements/eligibility conditions is even to furnish a post-mortem report. Needless to observe that such requirement is only to ascertain the cause of death.

The post-mortem report that has been placed on record is not conclusive with regard to the cause of death.

In the considered view of this Court, whether Sushil Kumar died a natural death or an accidental death at the work place would be a triable issue and for which evidence may have to be led.

Such issue cannot be gone into by this Court in exercise of its writ jurisdiction.

At this stage, counsel seeks withdrawal of the writ petition with liberty to the petitioner to avail of her alternate remedies as available in accordance with law.

Prayer is accepted.

Writ petition is disposed of as withdrawn.

It is clarified that this Court has not opined on merits as regards the claim of the petitioner to be granted Rs.5,00,000/- as financial assistance under the welfare scheme(s) framed by the respondent-Board.

19.09.2019
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No