

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

267

CWP No.5187 of 2018

Decided on : 22.07.2019

Sanjay Kumar

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present : Mr.J.S.Rozera, Advocate
for the petitioner.

Mr.C.S.Bakshi, Addl.AG, Haryana.

Harsimran Singh Sethi, J. (Oral)

Reply of Deputy Commissioner of Police, NIT, Faridabad
filed in the Court today is taken on record.

Pursuant to the order dated 28.5.2019 passed by this Court,
the officer who passed the impugned order dated 6.11.2017 (Annexure P-
8) is present in the Court.

Claim of the petitioner in the present writ petition is for full
reimbursement of the amount, which he had incurred on his treatment for
the violent incident which occurred on the date when he was performing
the violent election duties.

Learned counsel for the petitioner argues that the petitioner
had spent Rs.8,27,989/- out of which only Rs.6,30,222/- has been paid to
the petitioner whereas the claim of the petitioner is for the full
reimbursement.

Learned counsel for the respondents on the other hand,
keeping in view the instructions received from the officer who is present
in the Court, argues that it is only in the case of 'Violent Attack' which an

officer suffers on the date of polling, is entitled for full reimbursement.

Learned counsel for the petitioner rebuts the said argument and states that an employee who suffers injuries in a violent incident/attack is entitled for the reimbursement. Counsel argues that the injuries might not have been suffered by the petitioner in a violent attack but the incident in which the petitioner suffered injuries, where he was attacked by a cow in a violent manner, the same is covered under “violent incident” as per letter of Election Commission of India dated 11.4.2014 (Annexure P-13) and therefore, the petitioner will be entitled for the full reimbursement of the amount which he had incurred on his treatment.

Relevant portion of the instructions dated 11.4.2014 is as under:-

“In case of any violent incident/attack involving polling personnel/police personnel/CAPF, the DEO and SP shall take all measures to ensure proper treatment to the injured. There shall be a minute to minute monitoring of evacuation and treatment process from the district control room.”

Learned counsel for the respondent states that if the petitioner files a representation, then his case will be reconsidered and a fresh order will be passed regarding the entitlement of full reimbursement to the petitioner after considering that as to whether the incident in which the petitioner had suffered injuries is a violent incident or not as per letter dated 11.4.2014 (Annexure P-13). He further states that in case, it is found that the petitioner suffered injuries in a violent incident, an appropriate decision will be taken to grant the petitioner full reimbursement. Counsel for the respondents states that amount which the petitioner had incurred on his treatment but the same cannot be reimbursed, will also be detailed

in the order with reasons.

Keeping in view the above, learned counsel for the petitioner states that he will file a representation within a period of two weeks from today. In case any representation is filed by the petitioner, the respondents will pass an appropriate order as undertaken by them within a period of three months thereafter. The speaking order so passed, will be conveyed to the petitioner and it will be appreciated if the petitioner is also given a personal hearing before the order is passed.

The writ petition is disposed of accordingly.

[HARSIMRAN SINGH SETHI]
JUDGE

22.07.2019
sd

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No