

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

CWP No. 2864 of 2022

Date of decision: 15.02.2022

Maya Pati

..... Petitioner.

Versus

State of Haryana and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana, for the respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner has challenged the order dated 02.08.2021 (Annexure P-3) whereby her claim for compensation in lieu of death of her husband has been declined.

Learned counsel for the petitioner contends that the husband of the petitioner was about 55 year old and had received injuries in a road accident on 03.12.2019 and he was admitted in PGIMS, Rohtak. He had expired on 09.12.2019. An FIR bearing No. 287 dated 03.12.2019 was registered with regard to the accident at Police Station Buhana, District Jhunjhunu (Rajasthan). The petitioner is a widow. The petitioner and her family members do not have any source of income. They had sought compensation under the 'Doctor Shyama Prasad Mukherjee Durghatna Sahayata Yojana'. This scheme was launched on 01.04.2017 and it is limited to the Haryana domiciles and residents of Haryana, who are not able to avail

the benefit under the Pradhan Mantri Suraksha Bima Yojana. The claim of the petitioner has been rejected only on account of delay and as the petitioner is a widow, she was under mental stress and could not apply in time.

Issue notice to the respondents.

At the asking of the Court, Mr. Sharad Aggarwal, AAG, Haryana, accepts notice on behalf of the respondents. He contends that after the rejection of claim of the petitioner, she has a remedy of preferring an appeal before the Director and instead of filing an appeal, she has directly approached this Court.

Heard.

The petitioner is a widow and her husband had expired in a road accident. She had sought compensation under the 'Doctor Shyama Prasad Mukherjee Durghatna Sahayata Yojana'. Her claim has been rejected on account of delay of six months in approaching the authorities for compensation. It is but natural for the petitioner to be under acute mental stress after the demise of her husband. It would be highly unjust and unfair if her claim for compensation on account of death of her husband is to be rejected merely on the ground of delay of six months in preferring the claim. The delay ought to have been condoned. At this stage, it would not be appropriate to relegate the petitioner, who is a widow, to the alternative remedy as submitted by learned State counsel.

Consequently, the petition is allowed and the impugned order dated 02.08.2021 (Annexure P-3) is set aside. Respondent No. 2 will examine the claim of the petitioner and if she otherwise is eligible and her case is covered under the 'Doctor Shyama Prasad Mukherjee Durghatna

Sahayata Yojana', then the amount of compensation would be disbursed to her within a period of one month. Her case would not be rejected merely on account of delay.

15.02.2022
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No