

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP No. 1041 of 2016

Date of Decision : 12.07.2022

Dharampal alias Pale Ram (since deceased) through his L.rs.

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satyaveer Singh, Advocate and
Ms. Navpreet Kaur, Advocate for the petitioners.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana.

Mr. Abhishek Singla, Advocate for respondents No. 2 to 4.

Mr. Roopak Bansal, Advocate for respondent No. 5.

Harsimran Singh Sethi J. (Oral)

The petitioners have approached this Court for seeking compensation keeping in view that the fact that Satish, who was the son of petitioner No. 1 and husband of petitioner No. 2 and father of petitioners No. 3 to 5, lost his life due to electrocution on 14.09.2015.

After the notice of motion, the respondents have filed the reply in which, it has been mentioned that the respondents have assessed the compensation to the tune of ₹8,23,800/- but the same has not been collected by the petitioners so far.

The petitioners on the other hand submits that they had gone to

collect the said amount but the respondents wanted that they should give undertaking before the respondents that they concede to the acceptance of the said amount as full and final amount without there being any objection to the said amount.

Learned counsel for the petitioners submits that as, according to the petitioners, they are entitled for a sum, which is much more than ₹8 lacs and will not give undertaking as being asked for and the respondents refused to pay the said amount till the submission of the undertaking, which was being coerced from the petitioners.

Learned counsel for the respondents submits that they have no objection in paying the said amount, which was assessed in the year 2016 itself.

Once, the respondents themselves have assessed some amount of compensation, the same be released to the petitioners without there being any demand of an undertaking. As, the said amount has been retained by the respondents and was not paid to the petitioners keeping in view the non-submission of the undertaking, the petitioners will also be entitled for interest on the said amount starting from the date of death of Satish i.e. 14.09.2015 till the actual release of the same.

The question as to whether, the petitioners are entitled for any amount over and above the amount assessed by the respondents, the petitioners already have a remedy under the Employee's Compensation Act, 1923.

Learned counsel for the petitioners submits that the petitioners will avail the said remedy or any other appropriate remedy, which they

deem fit for enhancement of the compensation.

Keeping in view the above, the present petition is disposed of with a direction to respondents No. 2 to 4 to release the amount of ₹8,23,800/- to petitioner No. 2 (being widow of Satish) along with interest starting from 15.09.2015 onwards till the actual payment of the said amount. It is made clear that the petitioners will be at liberty to avail appropriate remedy in case they are of the view that they are entitled for an enhanced compensation than the one paid. Let the order be complied with by the respondents within a period of one month from the date of receipt of copy of this order.

Disposed of in above terms.

July 12, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No