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

CWP-15177-2016

Date of decision : April 19, 2022

Shanti

..... Petitioner

Versus

**The Haryana State Agricultural Marketing Board
and another**

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Anil Kumar Singh Goyat, Advocate
for the petitioner.

Mr. Ketan Chopra, Advocate for
Mr. Abhilaksh Grover, Advocate
for the respondents.

RAJ MOHAN SINGH J. (ORAL)

Petitioner has preferred this writ petition for the issuance of an appropriate writ order or direction especially in the nature of certiorari for quashing the impugned order dated 09.06.2016 passed by the respondent no.2, dismissing the claim of the petitioner for grant of compensation due to death of her husband, namely Rajender.

The husband of the petitioner died on 22.04.2015 in a sudden accident took place due to blasting of tyre of the

trolley loaded with wheat. The wheat crop was in the process of being shifted to the market yard/Anaj Mandi.

The complainant (son of the deceased) was driving the tractor trolley. At about 4 O'clock when the complainant along with the tractor trolley reached from village Ikkas to Bhiwani Road Bypass near canal, then suddenly the tyre of the trolley got burst and the trolley overturned and the father of the complainant came underneath and died at the spot due to the injuries. He was taken to General Hospital, Jind.

The Haryana Agricultural Marketing Board formulated a scheme known as "Mukhya Mantri Kisan Evam Khetihar Mazdoor Jiwan Suraksha Yojna, 2013" which came into force with effect from January, 2014. This scheme provides for the special assistance to the victims of the accidents occurred during agricultural operations in the fields, villages, market yards and while going or coming from such places within the State of Haryana. The case of the petitioner falls under para 3(i) of the scheme which covers the death or disablement of any farmer or labourer due to an accident while landing, shifting or weighing agriculture produce in market yards. In case of death, the special assistance to the tune of Rs.5,00,000/- is prescribed. The respondents have rejected the claim of the petitioner vide order dated

09.06.2016 by treating the case under the para/Rule 3(f) of the aforesaid scheme. In my considered opinion the case of the petitioner falls under para 3(i) of the scheme and the stand of the respondents is wholly misconceived. The father of the complainant was in the process of shifting the wheat crop to market yard in a tractor trolley and in that process the accident took place. Even after filing of the present writ petition, the respondents-Board through Secretary-cum-Executive Officer, Marketing Committee, Narnaund has realized the mistake of the Board and recommended the case of the petitioner for conducting fresh inquiry at its own level so that the case of the petitioner can be settled on the basis of its report. The said recommendation was done on 16.10.2016, but till date no outcome of the said proposal has come forth on record.

Learned counsel for the respondents could not deny the factum of issuance of letter dated 16/17.10.2016 by the Secretary-cum Executive Officer, Marketing Committee, Narnaund.

Evidently, the case of the petitioner is covered under Mukhya Mantri Kisan Evam Khetihar Mazdoor Jiwan Suraksha Yojna, 2013.

In view of the above uncontroverted facts, it is deemed appropriate to accept this petition. The respondents

are directed to pay the requisite amount under the scheme to the petitioner within two months from the date of receipt of certified copy of this order.

(RAJ MOHAN SINGH)
JUDGE

April 19, 2022

sarita
Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No