

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-16177-2017

DATE OF DECISION: 09.05.2022

KARAMBIR

... Petitioner(s)

Versus

UTTAR HARYANA BIJLI NIGAM LTD. AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Abhimanyu Singh Tanwar, Advocate and
Mr. Parveen Kumar, Advocate for the petitioner.

Mr. Hitesh Pandit, Advocate and
Ms. Suman Rani, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 14.03.2016 (Annexure P-6) whereby the application of the petitioner for award of compensation has been dismissed.

Learned counsel for the petitioner submits that the petitioner was working as an Assistant Linesman and in pursuance to a complaint, he had gone to repair the transformer where he got electrocuted which caused 70% permanent disability of his right arm. He also submits that his case is covered by the Notification (Annexure P-9) issued by the respondents on 22.02.2017 whereby compensation has to be paid in terms of the provisions of Employees Compensation Act, 1923.

Learned counsel for the respondents, while referring to the reply filed by them, submits that the accident had taken place on 06.02.2013 and the petitioner on receiving a complaint had gone on his own without obtaining permission from higher authorities to rectify it. In the enquiry conducted by the

SDO, it was found that the incident could have been avoided if the petitioner had informed the J.E. prior to starting the work. It is also submitted that even through the petitioner was required to be admitted to a government/empanelled hospital he had gone to a private hospital for treatment and the competent authority had sanctioned the medical bills of the petitioner. The petitioner had submitted a bill of Rs.3,16,528/- but only an amount of Rs.1,20,230/- has been sanctioned.

Heard.

The petitioner was working as an Assistant Linesman. He had received a complaint with regard to the fault in the 100 KVA transformer. The petitioner was on duty at Model Town when he had received the complaint and had rushed to repair the transformer where he had received an electric shock and his right hand was burnt. A perusal of the disability certificate indicates that he had received 70% disability and his right forearm was non-functional up to 1/3rd of the forearm equivalent to amputation.

The diagnosis of the petitioner in the disability certificate is reproduced hereunder:-

“Valman ischaemic Contractura (Rt) upper limbs, non-functional hand & forearm up to upper 1/3rd of forearm equivalent to amputation.”

I cannot accept the stand of the respondents that the petitioner cannot be granted compensation as he had rushed to repair the transformer without obtaining permission to work from the higher officials. The petitioner was admittedly on duty when he had received complaint of fault in a transformer and the transmission of electricity had to be repaired immediately.

Even though the petitioner had not obtained the permission to work he cannot be denied compensation under the Employees Compensation Act. The Policy of the respondents was issued on 22.02.2017 but a perusal of the Policy indicates that it has been noticed that the respondents have been paying compensation to the employees who have received injuries in the course of employment in terms of the Employees Compensation Act, 1923. Furthermore, perusal of the impugned order indicates that the case of the petitioner for compensation has been rejected without assigning any reasons. The respondents have also stated that the petitioner himself had submitted an affidavit that he would not claim any compensation. The petitioner had received serious injuries in the course of his employment. The certificate has been obtained from the petitioner under duress or in view of the unequal relationship between the management and the employee. The petitioner had suffered 70% permanent disability and thus cannot be denied compensation under the Employees Compensation Act, 1923.

The repair of electricity cannot brook any delay and the fault has to be immediately rectified. The objection of the respondents for taking permission from higher authorities appears to be a classic case of bureaucratic redtapism but it cannot be a valid reason for denying compensation to an employee of the electricity department who had rushed to repair the fault in the transmission of the electricity supply.

Consequently the petition is allowed. The respondents shall compute the compensation payable to the petitioner under the Employees

Compensation Act, 1923 and the amount would be disbursed to him within a period of 2 months from the date of receipt of certified copy of this order.

09.05.2022
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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