

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

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CWP-23255-2022

Date of decision: 22.11.2022

DHARMENDER KHANDELWAL

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Saurabh Chawla, Advocate for
Mr. Jitesh Sharma, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for raising a challenge to the order dated 14.12.2021 passed by the District Legal Service Authority, Sonipat as well as the order dated 07.04.2022 passed by the State Legal Service Authority whereby the application submitted by the petitioner for grant of compensation under the Haryana Victim Compensation Scheme was declined on the ground that clause 5(7) of the Haryana Victim Compensation Scheme, 2013 categorically lays down that the case are covered under Motor Vehicle Act, 1988 are to be governed by the compensatory mechanism of the Motor Accident Claims Tribunal and they shall not be covered under the Haryana Victim Compensation Scheme.

It was of the aforesaid clause that the application of the petitioner was rejected since the claim was based on an accidental death of Madhur Khadenlwal on 27.07.2014. The appeal preferred against the aforesaid order was also dismissed by the State Legal Service Authority

by noticing the aforesaid circumstances and the provisions contemplated in the Haryana Victim Compensation Scheme. It was also notice that even the Haryana Victim Compensation Scheme, 2020 contained the same stipulation. Thus, the compensation in question could not be granted under any of the said schemes. There is no challenge to the provisions of the scheme. Reliance was placed by the petitioner on the Delhi Victim Compensation Scheme for seeking the said compensation. However, no such qualification as has been incorporated in the Haryana Victim Compensation Scheme was available in the Delhi Victim Compensation Scheme, hence, reliance upon the order in the matter of Mohini versus the State (Government of NCT of Delhi) was not applicable and would not come to the rescue of the petitioner.

There is no error or illegality in the order dated 14.12.2021 passed by the District Legal Service Authority, Sonipat as well as the order dated 07.04.2022 passed by the State Legal Service Authority

Faced with the above, learned counsel appearing on behalf of the petitioner seeks withdrawal of the present petition so as to take recourse to an appropriate remedy available to him in accordance with law.

Disposed of as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 22, 2022

Vishal sharma

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