

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

202-2

**CWP-2372-2022 (O&M)
Date of Decision: 09.02.2023**

DEVENDRI DEVI

... Petitioner

VERSUS

HARYANA VIDYUT PRASARAN NIGAM LTD. AND OTHERS

... Respondents

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

Present: Mr. Munish Behl, Advocate
for the petitioner.

Mr. R.D. Bawa, Advocate and
Mr. Dipanshu Kapur, Advocate
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Certiorari while raising a challenge to the communication/letter dated 02.12.2021 (Annexure P-6) issued by the respondent-Nigam, vide which the claim of the petitioner for grant of compensation on account of death of Satyapal Singh –husband of the petitioner due to electrocution has been declined.

Learned counsel for the petitioner contends that Satyapal Singh – husband of the petitioner was a retired Army Personnel. On 09.05.2021, when the construction of the house was being undertaken and the husband of the petitioner had gone to the roof top to see the construction work, he came in contact with the high tension electricity line of 66 KW which was

crossing over the house of the petitioner. As a result of the aforesaid electric shock, he suffered injuries. He was taken to Civil Hospital, Palwal, wherefrom he was referred to Safdarjung Hospital. During the course of treatment, he passed away on 28.05.2021. Copy of the postmortem report has also been appended and a DDR No.26 dated 28.05.2021 was also registered. Learned counsel for the petitioner contends that a claim had been submitted by the petitioner with the respondent-Authorities, however, vide the impugned communication, the same has been declined. He points out that the communication dated 02.12.2021 has not taken into consideration the policy issued by the respondent-Authorities, dated 22.02.2021 which specifically stipulates award of compensation even in the case of 'no fault'.

Counsel for the respondents could not dispute the fact that the impugned communication dated 02.12.2021 (Annexure P-6) does not take note of the policy dated 22.02.2021 issued by the respondent-HVPN vide office order No.471-REG-119/Vol.-I.

He submits that the respondents-Authorities shall re-examine the matter in the light of the policy dated 22.02.2021 and pass a fresh order after affording an opportunity of hearing to the respective parties.

Accordingly, the present petition is allowed and the communication dated 02.12.2021 (Annexure P-6) is set aside.

The petitioner shall submit her claim before the Committee/Competent Authority as per the above said police alongwith requisite documents. Upon submission of any such claim by the petitioner alongwith all supporting documents, the decision in accordance with the policy shall be taken within a period of 60 days from the date of submission of such

claim after affording an effective opportunity of hearing to the respective parties.

09.02.2023.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*