

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

**222**

**CWP-5754-2021 (O&M)  
Date of Decision: 19.09.2023**

**KRISHAN**

... Petitioner

**VERSUS**

**STATE OF HARYANA AND OTHERS**

... Respondents

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

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Present: Mr. S.S. Nain, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

Mr. Padam Kant Dwivedi, Advocate  
for the respondents No.2 and 3.

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**VINOD S. BHARDWAJ, J. (ORAL)**

Challenge in the present petition is to the order dated 27.11.2020 (Annexure P-12) passed by the Appellate Authority-cum-Chief Administrator, Haryana State Agriculture Market Board, Panchkula, whereby the claim of the petitioner has been claimed to be wrongly rejected without considering the complete facts of the case.

Learned counsel for the petitioner contends that Nisha wife of the petitioner died on account of snake bite on the back of right ear while she was in the fields and cutting Jawar fodder for the cattle. She died on 16.06.2014 at Medical College, Khanpur while undergoing treatment. A DDR dated 17.06.2014 was recorded in this regard and postmortem was conducted on 17.06.2014 as per which the death was on account of snake bite. The petitioner thereafter applied for financial assistance under the Mukhya Mantri Kisan

Evam Khetihar Majdoor Jivan Suraksha Yojna, 2013 (hereinafter to be referred to as 'the Scheme of 2013') on 15.07.2014. The said claim was rejected by the respondents vide order 15.07.2014 passed by the Executive Officer-cum-Secretary, Marketing Committee, Gohana by holding that even though the claim of the petitioner is that the incident of snake bite had taken place on 16.06.2014 at around 07.00 P.M., however, as per the OPD card of Khanpur Medical College, the time of snake bite has been reported as 17.06.2014 at 01.30 A.M. It was thus suggested that the aforesaid report from the Medical College, Khanpur is suggestive of the fact that Nisha did not die on account of snake bite during carrying out agricultural operations, but the incident took place while she was sleeping in her house which has been constructed in the fields itself. Hence, the death was not on account of agricultural activity.

The abovesaid order was challenged by the petitioner before the Appellate Authority-cum-Chief Administrator, Haryana State Agriculture Marketing Board, Panchkula, under Clause 9 of the aforesaid Scheme of 2013. The Appellate Authority also dismissed the said appeal vide the impugned order dated 16.1.2016 (Annexure P-3), wherein, it has been observed as under:

*“On the other hand the Secretary, Market Committee, Gohana argued that as per his enquiry report and as per the statement given by some of the villagers, the deceased died due to snake bite, but he pointed out that the deceased was not working in the fields and rather she was sleeping at home when the snake bit her. He further argued that in the medical report, the appellant had stated the time of incident of snake bite at 1.30 am and it is therefore, cannot be stretched by any imagination that a person can work in the fields at that time. Therefore, the assistance cannot be given to the appellant as the incident is not covered under the Yojna.*

*I have carefully examined the documents presented before me at this moment and have also considered the rival contentions. It is quite evident from the arguments put forward by both the parties that there is some sort of contradiction in the stances put forward by them. The contentions of the appellants regarding time and place of death are not believable in the absence of corroborating evidence. The arguments/pleadings of the E.O.-cum-Secretary, Market Committee, Gohana that his wife died due to snake bite while she was sleeping at her home is based upon the enquiry and is also corroborated by the time of death mentioned in the medical report.*

*As a sequel of the foregoing discussion and in view of the facts and circumstances, the impugned order of the E.O.-cum-Secretary, Market Committee, Gohaha is upheld and the claim of the appellant is rejected.”*

Aggrieved thereof, the present writ petition has been filed.

It has been argued by the learned counsel for the petitioner that the time of death has been wrongly mentioned as 1.30 A.M. on 17.06.2014 in the report prepared by the Medical College, Khanpur Kalan and that instead the incident in question took place on 16.06.2014 at around 07.30 P.M. A DDR in this regard was got recorded by the petitioner. Since she was carrying on the agricultural operation at the time of incident, the petitioner would be entitled to financial assistance in terms of the aforesaid Scheme of 2013.

Written statement has been filed on behalf of the respondents, wherein they have reiterated their stand and relied upon the report of the Medical Officer, who attended the deceased in Medical Collge Khanpur Kalan to the effect that the snake bite was reported to have taken place at 01.30 A.M. in the intervening night of 16/17.06.2014. It is argued that the DDR was recorded on 17.06.2014 at around 19.25 P.M. and that even though the claim of

the petitioner is that the incident in question had taken place on 16.06.2014 at 07.30 P.M., however, in the said DDR, the time of occurrence has been mentioned at 09.00 P.M. while the time of incident recorded by the Medical Officer is 01.30 A.M. on 17.06.2014. He contends that the version as recorded in the DDR seems to be an afterthought and there seems a deliberate addition therein. The petitioner's statement that his wife was bringing fodder from the fields is an addition only to avail the financial assistance as per the Scheme of 2013. He contends that the medical record being prior in point of time, is more reliable, being the earliest record about the time of incident and that the possibility of the DDR being manipulated, as an afterthought, cannot be ruled out at this juncture.

I have heard learned counsel appearing on behalf of the respective parties and have gone through the pleadings as well as documents available on record.

Undisputedly there is a dispute with respect to the time of incident and as to whether the snake bite occurred during the agricultural operations or not. Since the conditions *sine qua* for processing the claim of financial assistance mandates the incident for claiming compensation to take place during the agricultural operations, hence, the determination of time of incident becomes crucial. Currently, the documents that are available on record reflect three different times, at which the incident in question is stated to have taken place. While the report of the Medical Officer of the Medical College, Khanpur reflects the incident to have taken place at 01.30 A.M., the claim of the petitioner made herein before the Court and also before the Authorities below is that the incident took place at 7.30 PM on 16.06.2014 as per the DDR whereas

the time of occurrence is mentioned in Column No.2(C) of the DDR to have taken place on 16.06.2014 at 9.00 P.M.

Disputed questions of the facts thus arise in the present petition which cannot be gone into by this Court. Notwithstanding that the Scheme of 2013 is intended for social welfare, however, the object of the Scheme of 2013 is not to grant compensation or extend financial assistance despite any eventuality resulting in death/fatal injury but is confined only in an incident which took place during an agricultural operation.

The present petition is accordingly disposed of with liberty to the petitioner to take recourse to the alternative remedy in accordance with law for determination of such disputed question and to seek compensation, if so advised.

Needless to mention that the period during which the proceedings have remained pending before different Fora before culminating into the order passed today shall be taken into consideration while computing limitation.

Any other misc. application(s) also stand(s) disposed of accordingly.

**SEPTEMBER 19, 2023**

*rajender*

**(VINOD S. BHARDWAJ)  
JUDGE**

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No