

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3950-2023

Date of decision : 27.02.2023

Bala Devi and another

... Petitioners

Versus

The Managing Director and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Davinder Singh Dadwal, Advocate
for the petitioners.

Mr.Vivek Saini, Advocate
for the respondents.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant the compensation to the petitioners on account of death of their son which is stated to be a result of electrocution due to negligence of the respondent, along with interest.

Learned counsel for the petitioners has submitted that for the grievance raised by the petitioners, the petitioners have given a legal notice dated 01.08.2022 (Annexure P-6) to the authorities in which they have highlighted their grievance including the fact that the Sub Divisional Officer had even sent letter dated 19.01.2022 and reminders dated 05.03.2020 and 19.05.2020 with respect to the fatal accident of the son of the petitioners and although the process for compensation has been initiated

petitioners has submitted that he would be satisfied in case the competent authority i.e., the Chief Engineer, Operation considers the legal notice dated 01.08.2022 and decides the same in a time bound manner and in case any amount is due to the petitioners, then the same be released as expeditiously as possible.

Learned counsel for the respondents has stated that the competent authority is the Chief Engineer, Operation, UHBVN, Jagadhari, District Yamuna Nagar. However, no legal notice has been sent to the said authority.

Learned counsel for the respondents has very fairly submitted that the notice dated 01.08.2022 would be treated as a representation and the same would be considered by the Chief Engineer, Operation, as expeditiously as possible subject to the petitioners supplying all the documents which would be required in the process. It is further submitted that once all the documents are submitted by the petitioners, then the decision on the legal notice would be taken within a period of 8 weeks from the date of receipt of the said documents. It is stated that whatever amount is found due on the basis of said decision, would also be released as expeditiously as possible.

Keeping in view the above said facts and circumstances, the present writ petition is disposed of with the following directions:-

- i) It would be open to the Chief Engineer, Operation or any person authorised by him, to ask for documents from the petitioners within a period of two weeks from the date of receipt of certified copy of the present order.
- ii) The petitioners in response to the same would supply the

documents to the Chief Engineer, Operation, as expeditiously as possible.

iii)After submission of the said documents, the Chief Engineer, Operation would take a decision on the legal notice dated 01.08.2022 within a period of six weeks from the date of receipt of the documents from the petitioners.

iv)In case any amount is found due to the petitioners in pursuance of the consideration of the said legal notice, the same would be paid to the petitioners as expeditiously as possible.

v) In case for any reason, the claim of the petitioners or a part thereof is to be rejected then the same would be done by passing a speaking order within a period of six weeks from the date the documents have been submitted by the petitioners to the Chief Engineer, Operation.

It is made clear that this Court has not opined on the merits of the case and the Chief Engineer, Operation, UHBVN, Jagadhari, District Yamuna Nagar, would independently consider the claim of the petitioners, in accordance with law.

(VIKAS BAHL)
JUDGE

February 27, 2023
Davinder Kumar

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