

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

202-3

CWP-11626-2023

PARAMJEET SINGH

... Petitioner

VERSUS

PUNJAB STATE POWER CORPORATION LTD. AND ANR.

... Respondents

202-4

CWP-12048-2022

DARSHAN SINGH AND OTHER

... Petitioners

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND ANOTHER

... Respondents

202-5

CWP-13191-2020

SARLA RANI

... Petitioner

VERSUS

STATE OF PUNJAB AND ORS

... Respondents

202-7

CWP-17870-2022

BHOLA SINGH AND OTHERS

... Petitioners

VERSUS

PUNJAB STATE POWER COROPORATION LIMITED
AND ANOTHER

... Respondents

202-8

CWP-18297-2018

ROHIT KUMAR AND ORS

... Petitioners

VERSUS

PUNJAB STATE POWER CORPORATION LTD AND ORS

... Respondents

<i>CWP-11626-2023 + connected cases</i>	<i>-2-</i>	<i>2023:PHHC:163913</i>
202-10		CWP-20696-2016
BACHAN KAUR AND ORS		... Petitioners
	VERSUS	
STATE OF PUNJAB AND ORS		... Respondents
202-11		CWP-20939-2018
SATYA DEVI		... Petitioner
	VERSUS	
PUNJAB STATE POWER CORPORATION LTD AND ORS		... Respondents
202-12		CWP-23570-2018
SAVINDER KAUR		... Petitioner
	VERSUS	
STATE OF PUNJAB & ORS		... Respondents
202-13		CWP-23898-2015
MAGHAR SINGH		... Petitioner
	VERSUS	
STATE OF PUNJAB AND ORS		... Respondents
202-15		CWP-25503-2021
RAMANDEEP KAUR AND ANOTHER		... Petitioners
	VERSUS	
STATE OF PUNJAB AND OTHERS		... Respondents
202-16		CWP-27448-2018
GOVINDER SINGH AND OTHERS		... Petitioners
	VERSUS	
STATE OF PUNJAB THROUGH ITS PRINCIPAL SECRETARY & OTHERS		... Respondents

<i>CWP-11626-2023 + connected cases</i>	<i>-3-</i>	<i>2023:PHHC:163913</i>
202-17		CWP-29359-2018
JAGDEEP KAUR & OTHERS		... Petitioners
	VERSUS	
STATE OF PUNJAB & ANOTHER		... Respondents
202-18		CWP-4744-2019
JASHAN KUMAR MINOR THROUGH KRISHAN LAL AND ANR		... Petitioners
	VERSUS	
PUNJAB STATE POWER CORPORATION LTD AND ORS		... Respondents
202-19		CWP-625-2020
MANISH KUMAR SHARMA		... Petitioner
	VERSUS	
STATE OF PUNJAB AND OTHERS		... Respondents
202-20		CWP-7499-2019
NARINDER KAUR AND OTHERS		... Petitioners
	VERSUS	
STATE OF PUNJAB AND OTHERS		... Respondents
202-21		CWP-18070-2019
PUSHPA RANI		... Petitioner
	VERSUS	
STATE OF PUNJAB AND ORS.		... Respondents
202-22		CWP-7506-2022
BALJIT KAUR		... Petitioner
	VERSUS	
STATE OF PUNJAB AND OTHERS		... Respondents

CWP-11626-2023 + <i>connected cases</i>	-4-	2023:PHHC:163913
202-23		CWP-840-2020
MEENU BANSAL AND ANOTHER		... Petitioners
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents
202-24		CWP-8979-2023
SITA DEVI AND OTHERS		... Petitioners
VERSUS		
STATE OF PUNJAB AND ANOTHER		... Respondents
202-25		CWP-15708-2019
VISHA RANI AND OTHERS		... Petitioners
VERSUS		
PUNJAB STATE POWER CORPORATION LIMITED AND OTHERS		... Respondents
202-26		CWP-31152-2019
SAVITA DEVI AND OTHERS		... Petitioners
VERSUS		
PUNJAB STATE POWER CORPORATION LIMITED AND ANOTHER		... Respondents
202-27		CWP-33920-2019
NEHA AND OTHERS		... Petitioners
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents
202-29		CWP-3109-2022
CHARANJIT KAUR AND OTHERS		... Petitioners
VERSUS		
PUNJAB STATE POWER CORPORATION LIMITED AND ORS		... Respondents

<i>CWP-11626-2023 + connected cases</i>	<i>-5-</i>	<i>2023:PHHC:163913</i>
202-31		CWP-6323-2023
RAJ RANI AND ANR.		... Petitioners
VERSUS		
PUNJAB STATE POWER CORPN. LTD. AND ANR.		... Respondents
202-32		CWP-6060-2022
BOHAR SINGH AND ANOTHER		... Petitioners
VERSUS		
PUNJAB STATE POWER CORPORATION LIMITED AND OTHERS		... Respondents
202-33		CWP-13215-2023
KULDEEP KAUR		... Petitioner
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents
107-1		CWP-21290-2023
CHARANPREET KAUR AND ANOTHER		... Petitioners
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents
109		CWP-25606-2023
REETA DEVI AND ANR.		... Petitioners
VERSUS		
PSPCL AND ANR.		... Respondents
113		CWP-27831-2023
HARPREET KAUR AND OTHERS		... Petitioners
VERSUS		
STATE OF PUNJAB AND OTHERS		... Respondents

223

CWP-2423-2022

SUNITA DEVI

... Petitioner

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND ANR.

... Respondents

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

Present: Mr. Sunil Kumar Tandon, Advocate
for the petitioner(s) in CWP-25606-2023,
CWP-11626-2023, CWP-12048-2022,
CWP-17870-2022, CWP-6323-2023,
CWP-6060-2022 and CWP-2423-2022.
Mr. Munish Gupta and Mr. Anil Saini,
Advocates for the petitioners in
CWP-31152-2019 and CWP-29359-2018.
Mr. Sunil Agnihotri, Advocate
for the petitioner(s) in CWP-13215-2023.
Mr. G.S. Sandhu, Advocate
for the petitioner(s) in CWP-4744-2019.
Mr. Jagjit Singh, Advocate
for the petitioner(s) in CWP-13191-2020.
Mr. Gulshan Nandwani, Advocate
for the petitioner(s) in CWP-8072-2018.
Mr. Basant Sharma, Advocate for
Mr. D.S. Malwai, Advocate
for the petitioner(s) in CWP-23898-2015.
Mr. Judgepreet Singh Warring, Advocate
for the petitioner(s) in CWP-7506-2022.
Mr. Vishwajit Bedi, Advocate and
Mr. Rahul Judge, Advocate
for the petitioner in CWP-27831-2023.
Mr. M.S. Randhawa, Advocate
for the petitioner in CWP-33920-2019.
Ms. Manjit Kaur Saini, Advocate
for the petitioner(s) in CWP-27448-2018.
Mr. Teevar Sharma, AAG, Punjab.
Ms. Monica Chhibber Sharma, Advocate
for the respondents-PSPCL in CWP-15708-2019,
CWP-840-2020 and CWP-626-2020.

Ms. Komal Sharma, Advocate and
Mr. Jagdeep Singh, Advocate
for respondents in CWP-20939-2018.

Mr. Kannan Malik, Advocate
for the respondents in CWP-25503-2021.

Mr. Akshay Rawal, Advocate
for respondent No.2 in CWP-29359-2018 and
for respondent No.3 to 6 in CWP-7499-2019.

Mr. Edward George, Advocate
for the respondents-PSPCL in CWP-4744-2019.

Ms. Shivani Jaglan, Advocate for
Ms. Aashna Gill, Advocate for
the respondents-PSPCL in CWP-18297-2018.

Mr. Gurnoor Singh Sethi, Advocate
for respondents No.2 to 4 in CWP-27448-2018.

Mr. Sehajbir Singh, Advocate and
Mr. Baltej Pal Singh Walia, Advocate
for the respondents in CWP-31152-2019.

Mr. Parminder Singh, Advocate
for the respondents-PSPCL in CWP-33920-2019.

Mr. Sushil Saini, Advocate for Mr. Rangat Joshi,
Advocate for respondents No.2 to 4 in CWP-27831-2023.

Mr. Yash Paul Khullar, Advocate
for the respondents in CWP-20696-2016.

Mr. Anmol Jindal, Advocate for
Mr. Tribhawan Singla, Advocate
for respondent No.4 in CWP-25503-2021.

Mr. Harpriya Khaneka, Advocate
for the respondents in CWP-25606-2023.

Mr. Vishal Chaudhary, Advocate
for respondents No.2 to 7 in
CWP-23898-2015 (*through video conferencing*)

VINOD S. BHARDWAJ, J. (ORAL)

The cases in hand relate to seeking compensation on account of
fatal/non-fatal injuries/deaths sustained by the petitioners (herein) or their
family members (victims) on account of electrocution.

Counsel for the respondents-PSPCL has placed on record the policy bearing Office Order No.10, I.R.O. 676, Dated 08.12.2023 alongwith an affidavit of Er. Sukhwinder Singh, Dy. Chief Engineer/Tech. Punjab State Power Corporation Ltd., as per which the respondents/PSPCL has constituted an Authority and provided a Mechanism for payment of compensation to victims or their heir in terms of the said policy for fatal/non-fatal accidents. The said policy applies to all the pending cases, subject to determination of the negligence of the Authority concerned. The said policy contains provisions for payment of compensation to the employees of the Electricity Department (regular and contractual) as well as for the private persons (including minors and adults). The relevant part thereof is extracted as under:

“A. PSPCL's Regular Employees:

FATAL ACCIDENT	NON FATAL ACCIDENT
1. Payment of compensation in accordance with the provisions of Employee's Compensation Act, 1923. OR Payment of Ex-gratia amounting to Rs. 10.00 Lac in accordance with finance circular No. 20/21 read with Secretary PSEB Patiala Circular Memo No. 26943/27565/ Spl. 3 dated 08.02.1974. 2. Accidental Group Insurance amounting to Rs. 1.00 Lakh	1. Provision regarding payment of Disablement compensation in accordance with the provisions of Employee's Compensation Act, 1923. OR Payment of Ex-gratia amounting to Rs. 10.00 Lac in accordance with finance circular No. 20/21 read with Secretary PSEB Patiala Circular Memo No. 26943/27565/Spl. 3 dated 08.02.1974. 2. Provision regarding advance payment for cost of treatment up to

<i>in accordance with Joint Secy./ Personnel office Memo no. 20872/22281 dt. 02.03.2007.</i>	<i>80% (in private /Govt. Hospitals) in accordance with Deputy Secy / P&R memo no. 72216/ 416/ REG/16/Loose-2 dated 20/7/2011. 3. Service benefits as provided under Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participations) Act, 1995.</i>
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It has been decided to extend facility of providing medical advance for the treatment of injured employee immediately after occurrence of accident. For this purpose competency will be as under:

- (a) Sr. Xen - Upto Rs. 1,00,000/-*
- (b) SE - Upto Rs. 2, 00,000/-*
- (c) CE - Upto Rs. 3,00,000/-*
- The concerned Sr.Xen/ DDO shall satisfy himself before disbursement that the amount being disbursed is genuine and in accordance with the requirement of treatment.*
- The medical advance paid as above will be recovered from the medical bills submitted by the victim for reimbursement.*
- In case the victim dies during the treatment, then on presentation of the medical bills by the legal heirs of the victim, medical advance paid as above shall be adjusted against the medical reimbursement.*

Provided in case the employee dies during the treatment, if the reimbursement amount falls short of the medical advance then the shortfall of medical advance shall not be recovered from the Death-cum - Retiral benefits and the same may be got written off from the competent authority i.e. CMD, PSPCL.

B. Contractual Workers (Directly hired by PSPCL)

<i>FATAL ACCIDENT</i>	<i>NON FATAL ACCIDENT</i>
<i>1. Provision regarding payment of ex-gratia amounting to Rs 10 Lakh in case of death due to an accident occurring during the course of employment and in employment (as per decision of the BODs dt. 25/10/2023).</i> <i>2. Group insurance of Rs. 10.00 Lakh (as per decision of the BODs dated. 25/10/2023).</i> <i>3. Dependent benefits (family pension) to the legal heirs of the Deceased in accordance with the provisions of Employees State Insurance Act, 1948.</i>	<i>1. (a) In case of non-fatal accident resulting into 100% permanent disability, a lump-sum compensation amount of Rs. 10.00 lac as Ex-gratia.</i> <i>(b) If the disability is less than 100% then compensation shall be paid on pro rata basis depending upon the percentage of disability.</i> <i>2. Disablement benefits as per terms and conditions of the group insurance.</i> <i>3. Treatment / Reimbursement of medical expenditure and Disablement benefits (Both temporary and permanent disablement as per Employees State Insurance Act, 1948.</i>

C. Contractor's workers (through contractors/outsourced agencies)

<i>FATAL ACCIDENT</i>	<i>NON FATAL ACCIDENT</i>
<i>1. Payment of Ex-gratia amounting to Rs. 10 Lac in case of death due to an accident occurring during the course of Employment and in employment (As per BODs</i>	<i>1. (a) In case of non-fatal accident resulting into 100% permanent disability, a lump-sum compensation amount of Rs. 10.00 lac as Ex-gratia.</i> <i>(b) If the disability is</i>

decision dated 25.10.2023).	less than 100% then compensation shall be paid on pro rata basis depending upon the percentage of disability.
2. Group Insurance 10 lacs as per the terms and conditions of the contract. (As per BODs decision dated 25.10.2023)	2. Disablement benefits as per the terms and conditions of Group Insurance.
3. Dependent benefits to the legal heirs of deceased in accordance with the provisions of Employees State Insurance Act, 1948.	3. Treatment/ Reimbursement of medical expenditure and disablement benefits (Both for temporary and permanent disablement as per Employees State Insurance Act, 1948).

D. Private Person (Adult)

FATAL ACCIDENT	NON FATAL ACCIDENT
Payment of compensation In accordance with the provisions of Employees compensation Act, 1923 as per PSPCL's Delegation of Powers Regulation No.130.	Payment of disablement compensation In accordance with the provisions of Employees compensation Act, 1923 as per PSPCL's Delegation of Powers Regulation No.130

E. Private Person (Minor, means whose age is below 16 yrs. of age)

FATAL ACCIDENT	NON FATAL ACCIDENT
Payment of compensation in accordance with the	Payment of disablement compensation in accordance with

<i>provisions of Employee's Compensation Act, 1923. Considering the victim as above 16 years of age.</i>	<i>the provisions of Employee's Compensation Act, 1923, considering the victim as above 16 years of age.</i>
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Further, the counsel for the respondents-PSPCL has furnished an illustrative table also, which displays calculation of amount of compensation as per Section 4 of the Employees Compensation Act, 1923. The same is extracted as under:

"A. Category - Adult

Age-25yrs

Monthly Income - 15,000/- (Maximum Wage ceiling as prescribed under Employee's Compensation Act, 1923)

Relevant Factor - 216.91 (corresponding to the age of the concerned person as specified in second column of schedule IV)

(i) IN CASE OF FATAL ACCIDENT:

Amount of Compensation = 50% of monthly wage × relevant factor or 1,20,000/ (whichever is more)

= 7500 X 216.91 = 16 ,26,825/-

(ii) IN CASE OF NON-FATAL ACCIDENT (Permanent disability):

Amount of Compensation = 60% of monthly wage × relevant factor or 1,40,000/- (whichever is more)

= 9000 X 216.91 = 19 ,52,190/

B. Age = 65 yrs or more

Monthly Income - 15,000/- (Maximum Wage ceiling as prescribed under Employee's Compensation Act, 1923)

Relevant Factor - 99.37

(i) IN CASE OF FATAL ACCIDENT:

Amount of Compensation = 50% of monthly wage × relevant factor or 1,20,000/- (whichever is more)

= 7500 X 99.37 =7,45,275/-

(ii) IN CASE OF NON-FATAL ACCIDENT (Permanent Disability):

Amount of Compensation = 60% of monthly wage × relevant factor
or 1,40,000/- whichever is more)

$$= 9000 \times 99.37 = 8,94,330/-$$

C. Category - Minor (Age less than 16yrs.)

Monthly Income 15,000/- (Notional)

Relevant Factor-228.54 (For the purpose of calculation of compensation in case of minor, highest relevant factor as prescribed for 16 yrs. of age is to be considered as there is no relevant factor available under the age of 16 yrs.)

(i) IN CASE OF FATAL ACCIDENT:

Amount of Compensation = 50% of monthly wage × relevant factor
or 1,20,000/- (whichever is more)

$$= 7500 \times 228.54 = 17,14,050/-$$

(ii) IN CASE OF NON-FATAL ACCIDENT(Permanent Disability):

Amount of Compensation = 60% of monthly wage × relevant factor
or 1,40,000/- (whichever is more)

$$= 9000 \times 228.54 = 20,56,860/-$$

A detailed procedure alongwith necessary documents required to be submitted has been provided in the above Office Order No.10, I.R.O. 676, Dated 08.12.2023.

Counsel for the parties are *ad-idem* that the petitions may be disposed of at this stage with liberty to the petitioners to approach the respondents-PSPCL for consideration of their claims for compensation in terms of the aforesaid policy.

Counsel for the respondents-PSPCL as well as the learned State Counsel have no objection to the same.

Accordingly, in view of the above policy and with consent of the parties and without commenting anything on the merits of the case(s), the present petitions are disposed of with a direction to the petitioner(s) to approach the respondent-Authorities for seeking compensation in terms of the aforesaid policy, alongwith necessary documents prescribed thereunder, if any.

In the event of the petitioners approaching the respondents-Authorities for seeking claim/compensation in terms of the aforesaid policy, the same shall be considered and decided expeditiously and preferably within the time frame stipulated in the policy. The due compensation, if any, shall also be released within the prescribed time period.

Petitions stand disposed of accordingly.

Photocopy of this order be placed on the files of other connected cases.

DECEMBER 15, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No