

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CWP-15796-2021

Date of decision: 14.07.2023

SAROJ

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Anil Kumar Gahlawat, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondent No.1.

Mr. Sharan Sethi, Advocate with
Mr. Ramandeep Kaur, Advocate
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

The present petition raises a challenge to the impugned order dated 06.06.2016 (Annexure P-9) passed by respondent No.2 as well as order dated 19.03.2021 (Annexure P-10) passed by respondent No.4 whereby the application of the petitioner for grant of compensation under the “Mukhya Mantri Kisan Evam Khetihar Majdoor Jiwan Suraksha Yojna, 2013” has been declined.

2. The case of the petitioner is that her husband Jagdish son of Lal Singh was working in the fields on the fateful day i.e. 11.09.2015. He was

going down in the well to fix the wire of electric motor installed in the Well when the rope broke down suddenly. Jagdish-the deceased husband of the petitioner fell down in the Well and sustained injuries. He was pulled out of the Well and taken to the Hospital where he was declared brought dead. A Daily Diary report was registered at the Police Station and a Post Mortem was also conducted wherein the cause of death was specifically mentioned as a result of injuries due to falling in the Well on account of sudden snapping of the rope. The petitioner claims that she had lodged a claim with the competent authority of the Market Committee, Charkhi Dadri, claiming compensation under the above said scheme of 2013. However, the said claim was declined without assigning any reason and by a mere statement that the case of the petitioner is not covered under the said policy. In the appeal preferred before the Secretary, Haryana State Agriculture Marketing Board, the same was dismissed on the ground that the officials of the respondent-Market Committee/Marketing Board have inquired into the cause of death and they have reported that it was a case of suicide by jumping into the Well. Hence, the present petition.

3. On Notice, the respondents have filed their short reply through the Secretary cum Executive Officer, Market Committee, Charkhi Dadri wherein they have disputed the claim made by the petitioner and have reiterated that the occurrence in question was not as a result of sudden snapping of the rope at the time of repairing the electric motor in the Well, rather, it was case of suicide by Jagdish. He relies upon the report Annexure-2/1 submitted by a Committee of the Officers of the Market Committee on 24.02.2016. The said report is extracted as under :

“It is reported that today on 24.02.2016, on visiting village Badrai and investigating with different people at different places, it was found that late Shri. Jagdish, son of Laal Singh had jumped into the Well and committed suicide. It is incorrect that he had died due to rope breaking while getting down the well. This is true and correct. Therefore, the case be dismissed and filed. Report is submitted for further necessary action.

Sd/-

Sd/-

Sd/-

Harikishan

Raj Kumar

Samsher Singh

MS

MS

AR

*Secretary Cum Executive Administration Market Committee
Officer Market Committee Charkhi Dadri
Charkhi Dadri”*

4. Learned counsel for the petitioner has vehemently argued that the respondents have chosen to conveniently ignore the entire evidence including the fact that the DDR had been recorded by the petitioner and inquest proceedings were also conducted. There was nothing suspicious that was recorded by the police to conclude that the incident in question had not taken place in the manner as had been reported.

5. Further, the claim has been declined solely on the basis of the report furnished by the employees of the Market Committee which is vague and does not refer to any evidence that may have been collected or the statements of any person on the basis whereof such report was submitted. The source of the information of the officials of the respondent-Market Committee is also not known and such unsubstantiated & unsupported report

cannot be relied upon for denying the benefit that has accrued in favour of the petitioner.

6. Per contra, learned counsel appearing on behalf of the respondent argued that under such circumstance, the co-villagers usually, do not come out to get their statements recorded against the family of the deceased. However, the verification was done by the officials of the respondent-department and it was reported as a case of suicide which is not covered under the scheme of 2013. Consequently, the claim of the petitioner was rightly declined.

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

8. It is apparently a case of version and a cross-version. The petitioner has asserted that the cause of death was as a result of sudden fall during the course of motor repair which such statement of fact is disputed by the respondents by placing reliance on a report furnished by the Committee constituted by the respondents. The entire report has already been extracted above. A perusal of the said report shows that the same is not based upon any objective material and/or refers to any evidence that may have been collected by the Committee during the course of its enquiry. It is a simplicitor reporting by the officials concerned and even the source of the information on the basis whereof the above said conclusion had been drawn, has not been adverted to.

9. The scheme under which the benefit is being claimed is a socially benevolent scheme. Its provisions have to be considered as would further the welfare object of the scheme. Any attempt to deny the claims, puts the burden on the agency declining the claim. Since the respondent

department asserts it to be a case of suicide, a mere self serving report cannot ex-facie be presumed to out-weight the fact that inquiry into the DDR & the inquest proceedings have not found any discrepancy or untruthfulness in the nature & manner of incident leading to death of Jagdish. A self serving report which does not rely on day evidence or disclosed the source of the same, is at best a hearsay and may give rise to a suspicion. The same does not per se annul the probabilities relied by the petitioner.

10. Ordinarily, in a social welfare scheme, if two views are possible, the one which advances the object of the benevolent scheme ought to be accepted.

11. Consequently, such an eye wash report cannot be *per se* accepted to decline the claim of the petitioner.

12. The petitioner had, however, chosen not to impugn the above said report and has merely challenged the consequential order based upon the above said report.

13. Hence, without returning a finding on the merits of the present case qua the cause of death and applicability of the scheme, and while not conforming with the report that has been submitted by the official Committee being vague, non-specific and without referring to any evidence, the same is set aside at the stage. Consequently, the impugned orders that have been passed by the authority below are also set aside. The case is remanded to the Secretary, Market Committee which shall conduct an enquiry into the claim made by the petitioner and report in this regard be obtained afresh within a period of 04 weeks of receipt of a certified copy of the order. Thereafter, a final decision on the claim of the petitioner shall be taken within a further period of 06 weeks. Needless to mention that in case

the claim of the petitioner is found to be established, the compensation admissible to the petitioner shall be released within a further period of 04 weeks thereafter.

The petition is accordingly disposed of.

JULY 14, 2023

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No