

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CWP-1236-2017

Date of decision: 02.08.2023

MAHINDER SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Vishal Verma, Advocate for
Mr. Prateek Gupta, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed for seeking issuance of directions to the respondents to assess and disburse compensation to the petitioner to the tune of Rs. 25 lacs on account of death of his son who was employed with respondent No.2 as an Assistant Lineman.

The petition in question was instituted in 2017 when notice was issued to the respondents. Thereafter, the matter was adjourned initially because the process fee could not be filed.

Respondent No.1 entered appearance on 08.01.2018. It was pointed out that description of respondent No.2 in the Memo of Parties is not proper.

Counsel for the petitioner had undertaken to take appropriate steps for correction thereof as noticed in the order dated 09.01.2020. The matter has thereafter been taken up and adjourned on 09.09.2022, 18.04.2023 as well as 20.04.2023. The same was adjourned on all the above dates on the request of the petitioner especially for ensuring that respondent No.2, who is the contesting

respondent, is served. A similar request has been made today as well. There seems to be no valid justification for adjourning the case any further as the same has remained pending for 06 years and for more than 03 years above for filing of correct address & description of respondent No.2.

Learned counsel appearing on behalf of the petitioner does not dispute the fact that the deceased was in contractual employment of the respondent through a Contractor. Further, the incident in question took place on 12.05.2014. He also does not dispute that the petitioner would be entitled to claim compensation before the competent authority under the Employees Compensation Act. Hence, an efficacious alternative remedy is available to the petitioner, however, an incorrect declaration in Para No.9 in this regard has been improperly made to the effect that there is no other remedy of appeal or revision.

The present writ petition is accordingly dismissed at this stage with liberty to the petitioner to prefer a claim petition under the Employees Compensation Act and/or before any other forum as may be so advised in accordance with law.

Needless to mention that in the event of such claim being filed, the period from which the present petition remained pending before this Court shall be taken into account for commuting the period of limitation.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 02, 2023

Vishal sharma

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