

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

114

CWP-20820-2023
Date of Decision: 07.10.2023

SANTOSH

... Petitioner

VERSUS

DASKHIN HARYANA BIJLI VITRAN NIGAM LIMITED
AND ANOTHER

... Respondents

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

Present: Mr. Sunil Kumar Tandon, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to pay compensation of Rs.50,00,000/- to the petitioner on account of death of Balwan Singh, who died due to electrocution.

Succinctly, the facts of the present case are that the petitioner is widow of the deceased and has been blessed with three children. On 04.05.2020, the deceased husband of the petitioner had gone to village Ghimana on his motorcycle to drop his relative. While he was returning from there, a broken electric wire of 11 KV AP feeder was lying on the road and the deceased unfortunately entangled with the same and got severely electrocuted and died at the spot. The accident took place due to the sole negligence of the respondent-Department. Postmortem was conducted on the dead body of the deceased and copy of PMR is attached with the petition as (Annexure P-1) wherein the cause of death is clearly mentioned as 'due to electrocution.' Matter was reported to the police also and an FIR No.130 dated 05.05.2020 was registered at Police Station Jind Sadar. The petitioner approached the respondent-Department for grant of compensation but no one listened to the petitioner. The petitioner moved a representation dated 15.03.2023 (Annexure P-4) but no action has been taken thereupon till date.

Notice of motion.

Mr. Vivek Saini, Advocate accepts notice on behalf of the respondents and prays for some time to complete instructions and file response, if necessary.

This Court, however, has already decided a number of matters where the counsel representing the Distribution Licensee had apprised about a policy dated 15.07.2019 notified by the DHBVNL for grant of compensation to the victims of electrocution. The said policy contemplates disbursement of compensation on account of no fault as well. Hence, it would be appropriate at this juncture to dispose of the present petition sans waiting for response from the respondents.

The present petition is accordingly disposed of without commenting on the merits of the present case and with a direction to the competent Authority to decide the said representation dated 15.03.2023 (Annexure P-4) as per the policy dated 15.07.2019 and also to treat the present writ petition as a representation and the same shall be decided expeditiously by the competent Authority preferably within a period of 04 months from the date of receipt of certified copy of this order, after granting an effective opportunity of hearing to the respective parties.

OCTOBER 07, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No