

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

221

CWP-13751-2018 (O&M)
Date of decision: 02.02.2023

HANS RAJ

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Naveen, Advocate for
Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. R.S. Longia, Advocate
for respondents No.2 to 4.

Mr. Rajeev Godara, Advocate
for respondents No.5, 7 and 9.

None for respondents No.6 and 8.

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.20,00,000/- to the petitioner alongwith interest @ 12% per annum on account of injuries sustained by him on account of negligence of the respondents while cutting the electric wires.

As per averments of the petition, on 14.04.2017 at around 09.00/09.15 a.m., the petitioner alongwith his wife was going to his village Jodhkan from the fields on motorcycle bearing No.HR24V-2927. One

Balwant @ Banti son of Laxman Dass, Caste Kamboj alongwith his son Jagdish were cutting wires from poles. All of a sudden, the private respondent cut the wire without looking over the petitioner and his wife and as a result thereof, the electric wire fell down and hit the neck of the petitioner. Consequently, the petitioner and his wife fell down on *kacha* road. The petitioner sustained multiple injuries on his neck and other parts of the body. Wife of the petitioner also received injuries on her back and legs. Due to the impact of the injuries, the petitioner and his wife became crippled and had to incur Rs.7-8 lacs on their treatment. An FIR No.54 dated 17.04.2017 was also registered in regard to the said incident. The petitioner moved a representation dated 06.12.2017 (Annexure P-2) before the Authorities i.e. respondents No.2 and 3, however, no action has been taken thereupon till date.

Written statements on behalf of respondents have already been filed controverting the facts mentioned in the petition and praying for dismissal of the same.

This Court, however, has already decided a number of matters where the counsel representing the Distribution Licensee had apprised about a policy dated 22.02.2017 notified by the DHBVNL for compensation to the victims of electrocution. The said policy also contemplates disbursement of compensation on account of no fault. Learned counsel for the respondent-Distribution Licensee submits that the department shall consider and decide the representation dated 06.12.2017 (Annexure P-2) of the petitioner in the light of the abovementioned applicable policy.

Learned counsel for the petitioner does not oppose the same.

Accordingly, with the consent of the parties and without commenting on the merits of the present case, the instant petition is disposed of with a direction to the competent authority to decide the said representation dated 06.12.2017 (Annexure P-2) as per the policy dated 22.02.2017 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 filing of the such claim/representation, after granting an effective opportunity of hearing to the respective parties.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

02.02.2023
rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No