

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

256

CWP-17639-2022

Date of Decision: 07.08.2023

ANEETA DEVI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Rishabh Chaudhary, Advocate for
Mr. Ajay Ghangas, Advocate for the petitioner.
Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Vivek Chauhan, Advocate
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for seeking issuance of directions to the respondents No.3 and 4 to decide the representation dated 06.05.2022 (Annexure P-7) in a time bound manner and to consider the claim of the petitioner regarding compensation on account of death of Vikas i.e. the son of the petitioner.

It has been averred in the present petition that Vikas was working in an agricultural field when his head came in contact with high tension wires of 11 KV due to which he fell unconscious and was immediately taken to hospital, where the doctor declared him as 'brought dead'. It was alleged that the above said high tension wires had not been maintained properly by the respondent-Department notwithstanding the

fact that various oral as well as written complaints had been submitted in this regard. The high tension wires had been tied with the trees instead of the electricity pole at a requisite height as prescribed by the regulations. The documents showing the cause of death as well as the registration of FIR No.119 dated 28.03.2022 under Section 304-A of the IPC at Police Station: Uchana, District Jind have also been placed on record.

Reply on behalf of the respondent-Distribution Licensee has been filed wherein the incident in question is neither denied nor disputed. It is, however, contended that the abovesaid accident was duly inquired into and it transpired that there was an H-Pole near the accident site and some unknown persons opened one stay of H-Pole and cut the other stay due to which the pole became slightly bent and the conductor became loose. Resultantly, the height of the wire fell upto 6 feet. Since deceased Vikas was spraying pesticide with a manual spraying machine, the said pipe came in contact with the loose conductor of 11 KV Mohangarh AP Feeder Line, resulting in severe injuries to him. It has further been averred that the case of the petitioner for grant of compensation has been duly considered as per the policy notified by the SE, Admin. Dated 15th July, 2019 and vide order No.226/FA/NFA dated 12.09.2022 passed by the Chief Engineer, Hisar, a compensation of Rs.16,49,625/- has already been released. It has been further averred that the petitioner have also received an amount of Rs.5,00,000/- as compensation vide cheque No.00074 dated 30.07.2022 from Market Committee, Uchana, District Jind.

Notwithstanding that the aforesaid reply had been submitted way back in February 2023, no replication/rejoinder controverting the

above factual aspect has been filed. Hence, the pleadings to the said effect remained uncontroverted/undisputed.

Accordingly, the prayer made by the petitioner that the respondents should consider the claim of the petitioner regarding compensation on account of death of her son Vikas stands substantially answered. The compensation has already been granted by the respondent-Distribution Licensee to the petitioner, which has already been received by her.

Insofar as the question of sufficiency or insufficiency of the compensation is concerned, the same is not required to be gone into by this Court at this stage as no challenge has been made in this regard in the present petition.

The present writ petition is accordingly disposed of at this stage with liberty to the petitioner to take recourse to the appropriate alternative remedy(ies) available to her in accordance with law for seeking enhancement of the compensation, if so advised.

Petition stands disposed of accordingly.

07.08.2023.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No