

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

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CWP-20688-2020 (O&M)
Date of decision: 16.02.2023

BALWANT

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Kulwant Singh Dhanora, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

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

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 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 the injuries sustained by him due to negligence on the part of the respondents resulting in the tragic electric shock.

It has been averred in the petition that on 26.06.2020, the petitioner alongwith one Sandeep son of Mahabir were doing the work of tiles and marbles on the roof of Sudhar Furniture House. An electric line was passing though the said place at a distance of 2-2½ feet. The said electric wires were hanging loose and while working there, the petitioner came in contact with the said electric wire and fell down on the roof after becoming unconscious. He was taken to Suvidha Hospital, Hisar for treatment.

Thereafter, the petitioner was hospitalized in Sapra Hospital, Hisar w.e.f. 26.06.2020 to 19.07.2020 and had to undergo Tracheostomy on 29.06.2020. His left arm below the elbow joint was amputated resulting in permanent disability of left upper limb. Both his legs were also badly burnt and till the filing of the petition, the petitioner was not fully recovered. Further, as per disability certificate issued by the Medical Authority, the petitioner has suffered 70% permanent disability in relation to his left arm, brain and both legs. A DDR (Annexure P-1) was also got registered in the concerned police station. Thereafter, the petitioner approached the respondent Authorities for grant of compensation. Initially, the respondents assured to try their level best to recommend the case of the petitioner to the higher authorities for grant of adequate compensation, however, nothing fruitful has been done till date. The petitioner submitted representation dated 06.08.2020 (Annexure P-4) followed by a legal notice dated 20.08.2020 (Annexure P-5), however, no action has been taken thereupon so far.

Written statement/reply on behalf of respondents No.2 to 4 has 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 15.07.2019 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 legal notice 20.08.2020 (Annexure P-5) 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 legal notice dated 20.08.2020 (Annexure P-5) 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 filing of the such claim/representation, after granting an effective opportunity of hearing to the respective parties.

Disposed of accordingly.

16.02.2023

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**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No