

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

211

**CWP-4203-2017
Date of decision: 14.02.2023**

CHHANNO DEVI & ORS

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Narender Kaajla, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. G.B.S. Gill, Advocate for
Mr. Gaurav Dhir, Advocate for
Respondents No.2 & 3.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed under Articles 226/277 of the Constitution of India for seeking directions to the respondents to pay adequate compensation to the petitioners on account of death of Krishan Kumar, aged 35 years due to electrocution.

Counsel for the petitioner contends that the deceased Krishan Kumar owned 5 acres of agriculture land in village Kanwari and was the sole bread earner of the family. It is further submitted that the deceased was unmarried and petitioner No.1-mother of the deceased Krishan Kumar was totally dependent on the income raised by him. It is further contended that on 28.09.2016, at about 9:30 p.m., deceased Krishan Kumar was on way to

his fields and when he reached near the temple of Baba Shergarh, a broken electric wire was hanging near the electricity transformer. The deceased was not able to see the snapped electric wire which touched his body and resulted in his death. A post mortem was conducted on the deceased as per the which the cause of death was electric shock and the consequent cardiac arrest that ensued. A DDR No.25 dated 29.09.2016 was also registered at Police Station Sadar, Hansi.

Written statement on behalf of respondents No.1 to 3 has been filed. Counsel for the petitioner has referred to para No.12 of the aforesaid written statement which reads thus:

“12- That para No. 12 of the writ petition is wrong, denied and not admitted to be correct. In alternative, it is submitted that if petitioners are ready to receive compensation as per notification dated 22.02.2017, then respondents are ready to release compensation as per Employee Compensation Act, 1923 after depositing requisite documents by the petitioners.”

He submits that the matter was examined in light of the aforesaid response on 18.02.2020 when following order was passed :

“Learned counsel for respondents No.2 and 3 submits that as per the stand of the respondent-Nigam, the petitioners are entitled to a sum of 7,88,240/-, whereas learned counsel for the petitioners submits that the compensation should be worked in terms of the guiding principles applied in the motor accident claim cases. He relies upon decisions dated 04.07.2012 in CWP No.11838 of 2011 (Smt Sukkar and anr. v. State of Haryana and others), 15.03.2016 in CWP No.17477 of 2014 (Joginder Singh Chouhan v. State of Haryana and others), 03.02.2016 in CWP No.19492 of 2003 (Ompati and others v. State of Haryana) and 17.01.2019 in CWP No.1554 of 2017 (Prem Singh Rawal and others v. PSPCL) as well as decision of

Delhi High Court dated 25.04.2017 in WP(C) No.5737 of 2012 (Mahipal Singh Chauhan and others v. The State (NCT of Delhi) and others).”

At request of learned counsel for respondents No.2 and 3, adjourned to 23.04.2020.”

Counsel for the petitioner submits that he would be satisfied in case the respondents pay the compensation as undertaken by them in their written statement and as noticed in the order dated 18.02.2020.

Counsel for respondent No.2 & 3 has no objection to the same.

In view of the facts noticed above and the petitioner claiming that the petition may be disposed of in terms of the specific stand adopted by the respondents and the amount as calculated by them, the present petition is disposed of with a direction to the respondents No.2 & 3 to pay the compensation as noticed in the order dated 18.02.2020 based on the calculation given by the respondents No.2 & 3 themselves within a period of 06 weeks from today. The above said amount shall be disbursed in favour of petitioner No.1 alongwith interest @ 6% per annum from the date of filing of petition till its actual disbursement.

(VINOD S. BHARDWAJ)

JUDGE

FEBRUARY 14, 2023

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No