

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103

CWP-29956-2022 (O&M)
Date of decision: 27.03.2023

SARABJIT KAUR AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Nimish Gautam, Advocate for
Mr. Dheeraj Mahajan, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

CM-2642-CWP-2023

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 for placing on record correct copy of Annexure P-9.

Application is allowed as prayed for and correct copy of Annexure P-9 is taken on record.

CWP-29956-2022

The present petition seeks quashing of the order dated 25.03.2022 (Annexure P-9) passed by the respondent No.6 i.e. the Commissioner Employees Compensation, Bathinda on the ground of the inadequate compensation awarded against untimely death of Pardeep Kumar (husband of petitioner No.1, father of petitioner No.2 and son of petitioner No.3).

It has been submitted by the petitioner that deceased

Pardeep Kumar was working as a Sub Contractor with the Contractor-respondent No.5 i.e. Ms/ Star Transformer Limited and that the principle employer was the Punjab State Power Corporation Limited. The deceased was executing the work awarded to him when he sustained injuries due to electrocution and eventually succumbed to the same. A claim under the Employees Compensation Act was thereafter lodged with respondent No.6 by the petitioners whereupon the award Annexure P-9 dated 25.03.2022 was passed.

The present petition has been filed by the petitioner averring that the assessment of compensation under the Employees Compensation Act was inappropriate and that the assessment ought to have been made under the Motors Vehicle Act.

I am afraid that the aforesaid contention of the petitioner cannot be accepted in law. The option was available to the petitioner to prefer the claim under any applicable statutory regulation was as on the date when the claim was filed. Having elected to proceed under the Employees Compensation Act, the petitioner cannot at later stages seek switching over of the other remedy being dissatisfied with outcome thereof.

Even otherwise, the claim is governed by a specific statute and generally the general statute would not be applicable when specific field stands occupied.

Counsel for the petitioner next contends that even the compensation assessed under the Employees Compensation Act does not take into account the correct income of the petitioner.

The aforesaid contention, however, cannot be examined in

the present case and an appropriate petition against the compensation awarded by the Commissioner Employees Compensation is required to be filed by the petitioner.

He thus seeks withdrawal of the present petition to file an appropriate petition on the same cause of action but with better particulars.

Disposed of as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)

JUDGE

MARCH 27, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No