

2023:PHHC:154772

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP 18665 of 2023 (O&M)

Date of decision : 1.12.2023

...

Isha and others

.....Petitioners

vs.

State of Haryana and others

.....Respondents

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

Present: Mr. Naveen Gupta, , Advocate
for the petitioners.

Mr. Pankaj Mulwani, Deputy Advocate General,
Haryana.

Mr.Vivek Saini, Advocate for respondents No. 2 to 6

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VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present petition is for seeking directions to the respondents to grant the compensation to the petitioners on account of death by electrocution of Vikas (son of petitioners No. 2 and 3 and husband of petitioner No.1).

2. Learned counsel contends that Vikas was working as a Mason (skilled labour) and was earning more than Rs.15,000/- per month. He was married with petitioner No.1 on 8.7.2022 as per Hindu rite ceremonies. No child was, however, born out of the aforesaid

matrimony. On 4.3.2023, Vikas was working and affixing wall tiles in the front portion of the house situated at 7-B Colony, Kurukshetra, when he suffered electrocution from a high voltage electricity supply line, installed very near and adjacent to the said house by the respondents. He was brought to P.G.I., Chandigarh, after being referred by Aggarwal Nursing home, (Multi Specialty Hospital), Kurukshetra. He remained under treatment in the PGI from 4.3.2023 till 10.3.2023 when he finally succumbed to the injuries. The medical treatment chart and death summary has also been attached. He submits that the respondents had sent a communication dated 10.4.2023 calling for the bank account number of the petitioners so that the financial assistance could be extended and that in response thereto, the same was supplied by the petitioners by way of representation dated 20.07.2023. The account details had been duly mentioned in the abovesaid response, and have also been set out in para No. 8 of the present petition. Notwithstanding the same, the respondents have not released the compensation admissible to her even though a policy has already been notified by the respondents for considering the case of the petitioners for grant of compensation. He contends that the death in the present case occurred on account of electrocution due to the public distribution system and not on account of any internal/local distribution. Thus all the essential conditions as laid down in the policy notified by the respondents - Licensee on 8.7.2019 were fulfilled.

3. Counsel for the respondents – Licensee, however, submits that the petitioner has not furnished the details including a

certificate attested by an Executive Magistrate that she is the widow alongwith the documents to support the death by way of electrocution, DDR as well as the post mortem report /death summary. He further submits that in the event of the petitioners approaching the respondents, alongwith the requisite documents, the claim of the petitioners shall be considered expeditiously and a reasoned decision shall be taken thereupon. The admissible compensation, if any, shall be disbursed within a period of four months of the petitioners' approaching the respondents.

4. It is not in dispute that an interim financial assistance to the tune of Rs. 1 lakh, is stipulated in the policy pending determination of the final claim by the competent authority. The interim relief as stipulated in the policy is ordered to be released to the petitioner within a period of four weeks pending final adjudication of the claim of the petitioners, on submission of the requisite documents.

The petition is disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

1.12.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No