

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

240

**CWP-27661-2019
Date of decision: 23.01.2023**

DEVI LAL AND OTHERS

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Dheeraj Narula, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Sandeep Kotla, Advocate
for respondent No.4.

Mr. Vishal Garg, Advocate
for respondents No.7 to 10.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents No.6 to 11 to investigate the matter of death of son of the petitioner No.1 namely Ramesh and further for issuance of direction to respondents to grant compensation of Rs.30,00,000/- on account of death of Ramesh Kumar- the son of petitioner No.1.

As per the contentions raised in the petition, Ramesh- son of petitioner No.1 was a regular student of Government Industrial Training Institute (ITI) of Electrical Trade. On 01.05.2019, he had gone to attend Institute, where the Principal i.e. respondent No.3 asked him and two other

students to repair the street light with the assistance of one Prem Singh son of Amarjit Singh- a staff member of the Institute. They were further asked to use iron ladder for the said purpose. However, during the said work, the iron ladder came in contact with high voltage electric wires that were crossing over the Institute. As a result thereof, three persons namely Lovepreet Singh, Inder Pal Singh and Kewal Singh were died at the spot; whereas the son of petitioner No.1 had died on 02.05.2019 at Maharaja Agrasain Institute of Medical Research and Education, Agroha as a result of the burn injuries sustained in the above mentioned accident.

An FIR No.47 dated 01.05.2019 under Section 304-A of the IPC, Police Station Odhan, District Sirsa had also been registered in this regard. Postmortem examination on the dead body of Ramesh was conducted on 03.05.2019 at Maharaja Agrasain Institute of Medical Research and Education, Agroha, wherein the cause of death was mentioned as “shock due to electrocution, which is sufficient to cause death in an ordinary course of nature.”

It is also evident from a perusal of the pleadings that a legal notice has already been served by the petitioners upon the authorities of the DHBVNL for claiming grant of compensation/damages on account of death of Ramesh Kumar on 31.07.2019. However, no action has been taken thereupon till date.

Notice of motion was issued in this case on 26.09.2019.

Written statement on behalf of the respondents No.7 to 10 has already been filed.

The learned counsel for the remaining respondents pray for some more time to file response.

This Court, however, has already decided a number of matters where the counsel representing the Distribution Licensee had apprised about a policy dated 22.02.2017 notified by the DHBVNL for compensation to the victims of electrocution. The said policy also contemplates disbursement of compensation on account of no fault. Hence, it would be appropriate at this juncture to dispose of the present petition sans waiting for responses from the remaining respondents.

The present petition is accordingly disposed of without commenting on the merits of the present case and with a direction to the competent authority to decide the said legal notice dated 31.07.2019 (Annexure P-6) as per the policy dated 22.02.2017 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.

(VINOD S. BHARDWAJ)
JUDGE

23.01.2023
rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No