

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

211

CWP-40297-2018

Date of Decision: 05.10.2023

PARAMJIT KAUR AND OTHERS

... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioners.
Ms. Niharika Sharma, AAG, Punjab.
Mr. Abhimanyu Jangra, Advocate and
Mr. Karan Kaushal, Advocate for respondents No.2 to 5.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the impugned order dated 27.08.2018 (Annexure P-5) passed by respondent No.5, whereby the claim of the petitioner for grant of compensation on account of untimely death of their sole bread winner Amrit Pal Singh has been inadequately assessed.

Learned counsel for the petitioners contends that the petitioners had earlier filed a petition bearing No.CWP-6095 of 2015 before this Court, which was disposed of with a direction to the respondents to take a decision on the legal notice/representation to be submitted by the petitioners. A speaking order dated 28.08.2015 was thereafter passed by the respondents which was subject matter of challenge in CWP No.1425 of 2016. The said writ petition was disposed of by this Court vide order dated 10.05.2018 directing the respondents to apply the principles of Motor Vehicles Act, 1988 and to compute the compensation in light of the same. Notwithstanding the abovesaid direction, the respondents applied the principles of The Workmen's Compensation Act, 1923 for determination of the compensation. It is further argued that the deceased – Amrit Pal Singh was owner of an agricultural land and in order to compute the compensation, he had given specific reference to the income of the deceased from his agricultural land. However, both the said aspects have been ignored by the respondents.

Counsel for the respondents on the other hand submits that the respondents have taken into consideration all the aspects and that the deductions have been done in accordance thereto.

I have heard the learned counsel for the respective parties and have also gone through the documents appended alongwith the present petition with their able assistance.

The respondents have granted compensation to the tune of Rs.9,10,000/-, however, the details thereof are not reflected from the said order and as to how and in what manner the abovesaid amount has been computed. The impugned order bearing office No.57/F.A-388/GUR dated 27.08.2018 is accordingly set aside. The matter is remanded to the Authority below for passing a reasoned and speaking order afresh in terms of the order dated 10.05.2018 passed by this Court. The parties shall appear before the Authority below alongwith the certified copy of this order, whereupon, the necessary order be passed by the said Authority in a time bound manner and preferably within a period of four months from the date of receipt of certified copy of this order.

Disposed of accordingly.

OCTOBER 05, 2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No