

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

118

**CWP-92-2023
Date of decision: 06.01.2023**

MRS. SANGEETA CHOPRA AND OTHERS

.....Petitioner

VERSUS

THE STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Sudarshan Rajan, Advocate with
Mr. Hitesh Bajaj, Advocate and
Mr. Tania Mahajan, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.
for respondent No.1.

Mr. Vivek Saini, Addl. A.G. Haryana
for respondents No. 2 & 3.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226/227 of the Constitution of India, 1950 for seeking issuance of directions to the respondents in the nature of Mandamus for grant of compensation on account of death of deceased Swami Kumar (husband of petitioner No.1) due to electrocution.

Learned counsel appearing on behalf of the petitioners contends that on 22.09.2022 when deceased Swami Kumar (husband of petitioner No.1) was coming from his company in the evening at about 8:15 p.m. he

alongwith his friend was coming on scooty bearing No. HR26DU1227, due to rain the scooty went over the pothole on the road which was filled with water and due to this the hand of deceased Swami Kumar came in contact with the electricity pole in which the wires were hanging open without any insulation. Due to the aforesaid incident, the deceased Swami Kumar was electrocuted. The postmortem was conducted on the body of the deceased which also shows that the death was caused on account of electrocution.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1.

Mr. Vivek Saini, who is the Additional Advocate General Haryana and would thus be on the panel of all statutory Board and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondents No. 2 & 3.

On the asking of the Court, he accepts notice on behalf of respondents No.2 & 3 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Learned counsel appearing on behalf of respondents No.2 and 3 contends that the incident is of dated 22.09.2022 and that the policy dated 15.07.2019 notified by the DHBVNL relating to compensation to the victims for fatal/non-fatal accidents was then in force and that in the event of the petitioners submitting their claim before the competent authority as per the policy, the same shall be considered and an expeditious decision in terms of the above policy shall be taken thereupon.

The aforesaid contention/offer is accepted by the counsel for the petitioners without prejudice to his rights.

The present petition is thus disposed of with the consent of the respective parties and without prejudice to their respective rights and without commenting on the merits of their respective claims granting liberty to the petitioner to approach the respondent authorities for seeking disbursement of compensation in terms of applicable policy.

Needless to mention that in the event of filing of such claim/representation by the petitioners before the competent authority as per the policy, 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 opportunity of hearing to the respective parties. Liberty is also granted to the petitioner to take recourse to the alternative remedy available to him in accordance with law.

The present petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANURARY 06, 2023
Vishal Sharma

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