

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CWP-28480-2023

Date of decision: 18.12.2023

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 petitioner.

Mr. Vivek Saini, Advocate
for respondents No.7 & 8-DHBVNL.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition is for seeking quashing of the impugned order dated 07.04.2023 (Annexure P-8) passed by respondent No.7-DHBVN in terms of the order dated 23.01.2023 (Annexure P-6) passed by this Court.

2. Learned counsel appearing on behalf of the petitioner contends his son namely Ramesh Kumar was a regular student of Government Industrial Training Institute (ITI) of Electrical Trade and had gone to attend college on 01.05.2019 when he was asked alongwith Lovepreet Singh and two other persons to repair the street light by the respondent No.3 who was then working as Principle of the Institution. The son of the petitioner and other three person were repairing the street light, however, the iron ladder which they were using to repair the street lights on instructions of Principle, hit a high

voltage wire which were crossing the school premises in an unauthorized manner whereupon four persons suffered electrical shocks. Three persons namely student Lovepreet Singh, Inder pal Singh and Kewal Singh died at the spot whereas Ramesh Kumar died on 02.05.2019 at Maharaja Agrasain Institute of Medical Research, Agroha due to electrical burn injuries. An FIR No. 47 dated 01.05.2019 was registered against the principle and the staff members for having instructed the deceased persons, who were students of electrical trade and were pursuing their diploma in 1st semester to carry out the above said work. The said incident occurred on account of negligence on the part of the respondent-authorities and no compensation had been paid by the respondent-authorities. The petitioner approached this Court by means of filing CWP-27661 of 2019 which was disposed of vide order dated 23.01.2023 directing the respondent to take a decision on the claim filed by the petitioner in terms of the policy dated 22.02.2017.

3. Pursuant to the above said direction, respondents have passed an order on 07.04.2023 wherein it has been noticed that the incident in question took place as a result of the deceased climbing up the pole with iron ladders in order to carry out purported correction in the street lights. It is further averred that it was no case where the incident in question occurred on account of any lapse/negligence on the respondents or because of the nuisance that had been brought in the campus rather, the deceased had themselves climbed up the pole and were fiddling with the electricity transmissions without due approval.

4. The negligence, if any, was on the part of the administration of the Industrial Training Institute and that a

compensation of Rs. 5 lakhs has already been awarded by the respondent department i.e. the vocational training institute itself.

5. Counsel for the petitioner contends that the above said compensation is not sufficient and is not equitable as well. However, the question of compensation to be provided under such circumstances on account of death has to take into consideration all the relevant factors including the issue of negligence. As the incident in question happens to be the same and various factors are required to be determined before ascertaining a equitable compensation and such aspects would give rise to disputed questions of fact, counsel for the petitioner does not press the instant writ petition and seek liberty to withdraw to the same so as to pursue his alternative remedies in accordance with law.

Disposed of as not pressed with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 18, 2023

Vishal sharma

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