

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CWP-4423-2020 (O&M)
Date of decision: 29.02.2024

Premo Devi
...Petitioner

VERSUS

State of Haryana and others
...Respondents

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

Present :- Mr. Ishan Cooner, Advocate for
Mr. J.S. Cooner, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for issuance of direction to the respondents to pay the compensation to the petitioner on account of unnatural death of her son-Happy due to snake bite in village Lalana, Tehsil and District Ambala.
2. Learned counsel for the petitioner contends that the son of the petitioner aged 22 years died on 25.09.2016 due to snake bite and a DDR No.15 was registered in this regard at Police Station Sadar Ambala, District Ambala. The post-mortem was conducted on the same day vide PMR No.AKS/34/AMB/2016 (Annexure P-2). He contends that the petitioner is a widow and belongs to a weaker section of the society and that she was not aware of the welfare scheme of the Government of Haryana. The petitioner later submitted a claim to the respondents but no response was received

thereupon. A legal notice dated 21.01.2019 was thereafter sent by the petitioner to the respondents which was responded to by the respondents by conveying that the Government had closed the said scheme on 31.03.2017.

3. Learned counsel for the petitioner submits that as the death had occurred during the period when the scheme was in force, hence, the petitioner is entitled to the compensation.

4. Learned State counsel on the other hand refers to the scheme documents to contend that the petitioner would not be entitled to the benefit under the said scheme, as a claim was required to be submitted within a period of 06 months of the occurrence of the incident and also that the post mortem report only suggest that it was a case of snake bite poisoning but the cause of death has been recorded as asphyxia. However, the final opinion could have been given only after receipt of the report from the Chemical Examiner, Karnal.

5. Insofar as the response of the respondents-State that the scheme had been discontinued in the year 2017 is concerned, the same should not be read against the petitioner since as on the date when the incident in question took place, the scheme was in force.

6. Further, being a social welfare scheme, merely because an illiterate lady belonging to a weaker section could not have approached the respondent-authority within a time frame of 06 months, the same should not stand in the way of the petitioner and her being entitled to the financial assistance promised by the State.

7. Insofar as the objection as regards the determination of the actual cause of death of son of the petitioner is concerned, there may be

some cause in the same, the present petition is accordingly **disposed of** with a direction to respondent-authorities to examine the case of the petitioner in terms of the Scheme as was in force on the date of the incident and in the event the petitioner is found entitled to the benefits and fulfilling the eligibility of the said scheme, the benefits as admissible to the petitioner be released. The entire exercise should be concluded by the respondent-authorities within a period of 04 months of the receipt of certified copy of this order.

(VINOD S. BHARDWAJ)
JUDGE

29.02.2024
Mangal Singh

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