



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-11748-2019

Date of decision: 11.09.2024

SNEHA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for directing the respondents to accept and consider the application of the petitioner for benefits under the Financial Assistance Scheme dated 06.01.2018 and for grant of compensation of Rs. 1 lac as per the scheme.

2. Learned Counsel appearing on behalf of the petitioner contends that the respondent-Government of Haryana had issued a Notification dated 06.01.2018 by superseding the erstwhile "*Rajiv Gandhi Pariwar Bima Yojna*" and re-designated the same as "*Dr. Syama Prasad Mookerjee Durghtana Sahayta Yojna*" with retrospective effect from 01.04.2017. The scope of coverage under the scheme was limited to those Haryana Domicile

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and residents who were not able to avail benefits under the “*Pradhan Mantri Suraksha Bima Yojna*”, due to non enrolment or otherwise. The financial benefit admissible under the said scheme was to the tune of Rs. 1 lakh. The benefits under the said scheme were admissible in relation to the injuries sustained on occurrence of any of the events detailed out in Para No.2 thereof except those stated in heading A and B of Para No.iii.

3. It is contended that Mukesh Kumar-deceased husband of the petitioner was the sole bread earner and he passed away on account of an accident which occurred on 28.11.2018 at about 8:30 p.m. A DDR dated 25.12.2018 was also recorded in the Roznamcha of Police Station Loharu. It is submitted that Mukesh Kumar-deceased was under treatment on account of injury sustained in the accident that occurred on 28.11.2018 and had already passed away on 29.11.2018 when the said DDR was recorded on 25.12.2018. He contends that the petitioner had completed the requisite formalities under the Scheme in order to avail the financial benefits, however, the respondents refused to accept the said documents for want of post mortem report. It is contended that post mortem report was not necessary as the deceased had died in a road side accident and had also been taken to the Hospital and that the respondents could not have refused to accept the application form for want of the requisite document. They were required to take into consideration the application form alongwith the contemporaneous evidence and the documents appended thereto in order to ascertain the entitlement of the petitioner for the benefits under the said scheme.



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4. Counsel for the respondent on the other hand contends that no application of any nature whatsoever had been submitted to the competent authority for claiming compensation under the rules and therefore there is no adjudication/determination of the issue as regards entitlement.
5. Under the given circumstances, I deem it appropriate at this juncture to dispose of the present writ petition with a direction to the respondents to treat the application (Annexure P-4) appended alongwith the present writ petition as an application submitted under the said scheme (Annexure P-1) and to pass an appropriate order in terms of the admissibility of the petitioner to the financial benefits under the said scheme.
6. Let a considered decision be taken by the respondents within a period of four months of a receipt of certified copy of this order after granting an opportunity of hearing to the respective parties. Needless to mention that if the petitioner is found entitled to the benefits under the Scheme, on consideration of the claim, let the benefits be released within a period of 02 months thereafter.
7. Petition stands disposed of.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 11, 2024
Vishal Sharma

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