

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

224

CWP-14207-2019 (O&M).
Date of Decision: 31.01.2024.

MEENA

... Petitioner(s)

Versus

HARYANA STATE AGRICULTURAL MARKETING BOARD AND
OTHERS

... Respondent(s)

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

Present: Mr. Rahul Deswal, Advocate, for the petitioner.

Mr. Ashish Yadav, Advocate,
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the orders dated 19.09.2016 passed by the Executive Officer, Market Committee, Gohana, as well as 06.12.2017 passed by the Chief Administrator, the Haryana State Agricultural Marketing Board in appeal whereby the claim of the petitioner for grant of *ex gratia* financial assistance under the Mukhya Mantri Kishan Evam Khetihar Mazdoor Jiwan Suraksha Yojna, 2013, has been denied.

Learned counsel for the petitioner contends that the Government of Haryana had introduced the Mukhya Mantri Kishan Evam

Khetihar Mazdoor Jiwan Suraksha Yojna, 2013, (herein-after referred to as the Scheme of 2013), for providing financial assistance to the farmers and landless labour for injuries sustained due to accidents that had occurred during agricultural operations in the fields, villages, market yards and while going to or coming from such places, within the State of Haryana. Section 3 of the Scheme of 2013, covers the incidents that result into death or disablement of any farmer due to or while working on the agricultural machinery, implements, tools etc.

The deceased Dilbagh Singh is stated to be working in his fields and sowing wheat when he suffered a cardiac arrest and died as a result thereof. Learned counsel for the petitioner contends that as the deceased had died due to cardiac arrest during the course of agricultural operations, hence, the petitioner is entitled to the grant of compensation as per the Scheme of 2013, however, the same has been declined by the respondent authorities by holding that the immediate cause of death was cardiac arrest and not on account of death during agricultural operations.

Learned counsel for the respondents, however, refers to the DDR recorded at the behest of the claimants to contend that Dilbagh Singh had died on account of cardiac arrest. A perusal of the above said report shows that a specific assertion has been made by the Dharamvir that the deceased Dilbagh Singh was working in the fields and was carrying out agricultural operations by a Kassi and making out the boundaries when he fell down and suffered cardiac arrest. Hence, the claim of petitioner is not covered under the Scheme and the benefit cannot be given to her.

No other argument has been raised.

I have heard the learned counsel appearing for the respective parties and have also gone through the documents appended along with the present petition.

A perusal of the documents appended with the petition shows statement of Dharambir (brother of deceased Dilbagh) who had submitted an affidavit that Dilbagh was sitting on the wheat sowing machine to keep a vigil on the seed pipes when he fell down, during agricultural operations, and later was declared dead due to cardiac arrest. It was also averred that the police did not correctly record the statement and construed as if it was a natural death. There is nothing on record to conclude as to whether he fell down due to cardiac arrest or that the cardiac arrest was due to the fall. The Executive Officer-cum-Secretary of the Market Committee does not assign any reason for declining the claim, however, as per the contention noticed by the Appellate Authority, the “cause of death is stated to be the air filled in the lungs of the deceased.” The said cause does not inspire any confidence since “lungs” as human organs are supposed to be filled with air. There is no reference to any inquiry by the authorities as to whether death occurred due to an accident leading to cardiac arrest or due to an incident of cardiac arrest.

The respondents have even though taken a plea of delay in lodging of the claim and prayed for its dismissal on the said ground but the same was not a ground for rejection of the claim. Reasons cannot now be supplanted at this stage for rejection and the order has to be tested on the validity of the reasons given thereunder.

The same now leads to the germane question as to whether the order declining compensation is valid and sustainable or not. Ordinary, this Court would not have examined such issues and would have relegated the parties to alternative remedies to establish their case and to prove their entitlement, however, death of husband of the petitioner took place in the year 2014 and nearly a decade has elapsed. Relegating the parties to the civil Court remedy would have only aggravated the agony of the petitioner and deprived her of the assistance at the time when it is most required. The petitioner was 43 years of age on the date of filing of the petition in the year 2019 and now already nearing 50 years. The circumstances of death reflect of a possibility of the death having been triggered due to an accident.

It is not in dispute that the immediate cause of death is cardiac arrest, however, the catalyst for said cardiac arrest may possibly be on account of an accident during agricultural operations as per the affidavit.

The scope of the Scheme of 2013 has to be read in the light of the object which it aims to fulfill. Since the object of the Scheme of 2013 is to provide financial assistance to the families of the victims/farmers/landless labourers to overcome the financial penury and hardship and to enable them to fend for themselves, a liberal view can be taken in the facts of the instant case, to meet the ends of justice and in exercise of an equitable jurisdiction under Article 226 of the Constitution of India.

The present writ petition is allowed accordingly.

The respondents are directed to pay the compensation under the Scheme of 2013 within a period of 03 months after the receipt of the certified copy of this order.

Needless to mention that in the event, the above said compensation is not paid within the period as permitted, the petitioner shall be entitled to interest @ 6% per annum from the date of filing of the writ petition till its actual disbursement.

January 31, 2024
raj arora

(VINOD S. BHARDWAJ
JUDGE

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