

2024:PHHC:126575



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

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**CWP-22325-2019 (O&M).
Date of Decision: 24.09.2024.**

SMT. SULOCHANA AND ANOTHER

... Petitioner(s)

Versus

**DAKSHIN HARYANA BIJLI VITRAN NIGAM LIMITED AND
OTHERS**

... Respondent(s)

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

Present: Mr. Ashwani Gaur, Advocate,
for the petitioner.

Mr. Shreenath A. Khemka, Advocate,
for respondents No.1 to 3.

None for respondents No.4 and 5.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for seeking issuance of directions to the respondents to pay compensation of Rs.43,71,066/- along with interest @ 9% per annum from the date of death i.e. 13.02.2018 till realization of the aforesaid amount on account of death of Sh. Dinesh Kumar, son of petitioner no.1 and husband of respondent No.5 who was working as shift attendant on contract basis with the respondents and died due to electrocution while maintaining the insulators of 33 KV lines.

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2 Learned counsel appearing for the respondent Distribution Licensee informs that at the time when the accident took place i.e. on 03.05.2017, the policy notified by the respondent Distribution Licensee dated 22.02.2017 was in force. Clause 10 of the policy pertaining to compensation for the fatal/non-fatal accidents of Human Beings, provides financial assistance of Rs.10 Lakhs in case of fatal accident, which occur due to electrocution or are directly attributable to carrying out the business activities of the Nigam in relation to contractual works (Part Time & Full Time through Contractor). A minimum compensation of Rs.3 lakhs was payable by the contractor under Group Insurance Policy as per contract clause. The operative part of the aforesaid policy reads thus:-

“10. Contractual Workers (Part Time & Full time through Contractor)

(I) Fatal Accident

(a) Other Financial Assistance:-

Financial Assistance of Rs. 10.00 lacs in case of fatal accident, which occur due to electrocution or are directly attributable to carrying out the business activities of the Nigam.

(b) Minimum compensation to the tune of Rs. 3.00 lacs shall be payable by the contractor under Group Insurance policy as per contract clause.

Contractual workers are engaged through contractor, hence the liability of these workers is not owned by DHBVN.”

3 He submits that in compliance thereto, the respondent Distribution Licensee has released the financial assistance of Rs.10 lakhs vide order dated 11.05.2018 in favour of petitioner No.1-Smt. Sulochana

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(mother of the deceased) and Smt. Nirmal (widow of the deceased) in equal shares. An affidavit acknowledging the receipt of the said amount has also been placed on record. Similarly, the amount of Rs.3 lakhs has also been released proportionately in favour of petitioner No.1 as well as respondent No.5 vide cheques dated 17.01.2019. He submits that the admissible compensation as per the applicable policy already stands released and that in the event of any claim that the petitioner has against the employer of the deceased, the present petition is not maintainable and the appropriate remedy would be under the Workmen’s Compensation Act, 1923.

4 Faced with the above, learned counsel for the petitioner does not press the instant petition and prays for withdrawal of the same so as to take recourse to the alternative remedies available to the petitioners in accordance with law if so advised.

5 **Disposed of as withdrawn** with liberties as aforesaid.

6 Needless to mention here that in the event of petitioners taking recourse to the alternative remedies available to them, the period during which the present petition has remained pending before this Court shall be taken into consideration while computing the period of limitation.

September 24, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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