



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-14295-2024 (O&M)

Date of decision: 29.07.2024

Anish Khan

...Petitioner

VERSUS

State of Haryana and others

...Respondents

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

Present :- Mr. Jitender Kumar Sehrawat, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG Haryana.

Mr. Vivek Saini, Advocate for respondents No.2 to 5.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the office order No.16/FA/NFA dated 05.07.2023 passed by respondent No.4 i.e. Chief Engineer/Op. DHBVN, Hisar whereby the petitioner was granted a meager amount of Rs.9,57,146/- as compensation.

2. Learned counsel for the petitioner contends that the petitioner was pursuing Diploma in Electrical Trade at Govt. Polytechnic College, Hisar and completed his practical training of electrical engineering for 08 weeks from 04.08.2021 to 28.09.2021 successfully under the office of respondent No.5-SDO "OP" Sub-Division Dakshin Haryana Bijli Vitran Nigam, Adampur. Respondents No.6 and 7 used to call the petitioner for removing the electricity complaints and used to send him on the spots/places where the defect occurred in power supply or transformer due to any fault. On 19.03.2022, respondent No.7-Bansi Lal came to the house of the petitioner and stated that respondent No.6-Balwan Singh has instructed him to ask the



petitioner to rectify the error of fuse. On the repeated requests of respondents No.6 and 7, the petitioner went on the spot along with respondent No.7 and demanded gloves for rectifying the error of fuse but he was told by respondent No.7 that the electricity line has been disconnected. On assurance of respondent No.7, the petitioner became ready to climb on the space of transformer and when he was climbing, the petitioner got electric shock and fell down after becoming unconscious. The family of the petitioner spent a huge amount of about Rs.15 lakhs on the treatment of the petitioner. On 14.05.2022, on the statement of father of the petitioner, an FIR No.288 under Sections 338, 109, 114, 34 IPC at Police Station Adampur was registered. The challan has already been presented in the Court. Learned counsel for the petitioner prays for enhancement of the compensation granted to the petitioner.

3. Notice of motion.

4. Mr. Pankaj Mulwani, DAG Haryana, accepts notice on behalf of the respondent-State and Mr. Vivek Saini, Advocate, accepts notice on behalf of respondents No.2 to 5.

5. Learned counsel for respondents No.2 to 5 contends that the admissible compensation has already been granted to the petitioner and opposes the prayer made by the learned counsel for the petitioner.

6. It is not a case where the compensation has been denied to the petitioner and rather, in the present case compensation has been granted by the respondents as per their Policy, however, the petitioner is dissatisfied with the quantum of compensation that has been ordered to be released. The



criteria adopted by the respondents for computation of income is as provided under the Employees Compensation Act, 1923 with effect from the date of age of 16 years. It is not the case of the petitioner that the assessment, as done by the respondents is incorrect and/or that the petitioner should be entitled to a higher compensation even if the said criteria is adopted. Hence, the due and payable compensation as per Policy stands released. The petitioner cites his personal circumstances and hardships to put up a claim for higher compensation.

7. The compensation granted under the Policy is in the nature of financial assistance on humanitarian grounds and may not be perceived as assessment of the actual loss or damages sustained by an individual. A person, who has suffered an injury may claim compensation from the Distribution Licensee as per the applicable scheme, however, the same may not debar a person from claiming higher compensation.

8. The next question which, however arises for consideration before this Court is as to whether such exercise ought to be undertaken by this Court or the petitioner ought to move an appropriate application before the Civil Court, as a question with respect to assessment of damage and the loss caused and thereafter, the computation and quantification thereof would arise. These questions would require adducing of evidence which cannot be gone into by this Court.

9. It is however also noticed by this Court that although compensation has been paid to the petitioner by the respondents towards the liability as assessed under the Policy, however, the actual medical expenses



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for treatment incurred may have not been released.

10. The present writ petition is accordingly **disposed of** and the order under challenge is partly modified to the extent that respondents No.2 and 3 are directed to disburse an additional amount of Rs.2 lakhs as an interim compensation towards medical expenses that may have been incurred by the petitioner, over and above the claim already released. Let the additional amount be released in favour of the petitioner within a period of 3 months of the receipt of a certified copy of this order failing which petitioner shall be entitled to interest @ 6% per annum from the date of the order.

11. The petitioner shall also be at liberty to file an appropriate petition/claim before the Civil Court and to establish his actual entitlement of compensation for the loss sustained and to establish the negligence, if any, on the part of the respondents.

12. The period during which the present petition has remained pending before this Court or with the respondent-authorities shall be taken into consideration while computing the period of limitation.

13. Ordered accordingly.

(VINOD S. BHARDWAJ)
JUDGE

29.07.2024

Mangal Singh

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