



CWP-1821-2018(O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CWP-1821-2018(O&M)
Date of decision: 09.09.2024

Amrik Singh

...Petitioner

Versus

State of Punjab & ors.

...Respondents

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

Present : Mr. Ashok Goel, Advocate, for the petitioner.

Mr. Aditya Sharda, DAG, Punjab.

Mr. SPS Tinna, Advocate,
for respondents No.2 and 3.**VINOD S. BHARDWAJ, J. (Oral)**

Prayer in the present writ petition is for quashing of the resolution No.1936, dated 16.06.2016 (Annexure P-5), whereby the compensation under the financial assistance policy to the farmers/labours, who suffer accident while working in the fields/mandis, approved vide memo No.2/8/06-m-2/3327 dated 29.03.2011, has been denied.

Learned counsel appearing on behalf of the petitioner contends that he is an agriculturist by profession. Smt. Karnail Kaur, the mother of the petitioner, died in an accident on 12.06.2011, on account of electrocution and while operating the fodder machine. An intimation about the accident and death was also sent to the Police Post Dakala, District Patiala whereupon DDR No.13, dated 21.06.2011 was recorded. The claim was thereafter lodged with the Market Committee, Dakala, for payment of compensation as per the policy of the Punjab Government, which provides thus:-



CWP-1821-2018(O&M)

-2-

“Memo No. 2/8/06-m-2/3327

Chandigarh dated: 29-03-2011

Sub: Amendment of policy regarding financial assistance to the farmers/labours who suffer accidents while working in the fields/mandis.

Ref: Your letter Dev.No. 1981 dated 12-10-2010.

Government memo No. 18/156/07-m-2/6597 dated 20-11-2007, it has been decided to amend the policy of giving financial assistance to the person who suffer accidents with the agricultural machinery while working in the fields/mandies as follows:-

- A) If any farmer or labour is met with any accident while working in the field or at his home or in the mandi or on the way involving any agricultural operation or loses any part of body or of such a accident is met by a labour involving in any agricultural operation in the mandi or if he loses any part of body in that case financial assistance shall be given as per policy of the Board.
- B) The amount of financial assistance would be as fixed as under-

Sr. No.	Percentage of the loss of body part	Amount of financial assistance to be given
1	25% to 50%	Rs 50,000-00
2	51% to 75%	Rs 75,000-00
3	76% to 100%	1,00,000-00

In case of death, the amount of financial assistance is enhanced from Rs. One lac to Rs Two lacs.

- C) Financial assistance for the loss of any body part shall be given on the basis of medical certificate issued by the Medical Board.

In future, this policy be followed.”

It is contended that a three Member Committee conducted an inquiry into the matter and recommended the case of the petitioner for grant of compensation under the said policy but the same was still not released. A



CWP-1821-2018(O&M)

-3-

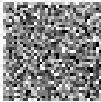
letter was thereafter sent to the petitioner, by the respondent-Market Committee, on 31.01.2017 informing that the payment of compensation has been stopped on receipt of a complaint, and the case has been rejected vide resolution No.1936, dated 16.06.2016. The same reads thus:-

“Subject: To send minutes of meeting dated 16.06.2016.

Date of meeting	Members present	Agenda	The recommendation of the Secretary	The final resolution regarding controversy



1936	1. Sh. Lakhwinder Singh Chairman 2. Sh. Minder Singh 3. Not legible 4. Satpal Singh Member 5. Sh. Darshan Singh Member 6. Shri Ranjha Ram Member 7. Shri Gurdeep Singh member 8.Smt. Charanjit Kaur member 9. Shri Sukhbir Singh member 10. Shri Balwinder Kumar Member	Regarding consideration of the cancellation of case of deceased Smt. Karnail Kaur w/o Sh. Joginder Singh R/o Village Dakala	Report is presented from Market Committee, Dakala regarding giving financial assistance to the persons who are suffered in the accidents operating Thresher. The Market Committee, Dakala has approved the death case of Smt. Karnal Kaur w/o late Sh. Joginder Singh resident of village Dakala and before disbursement of the amount, a complaint has been lodged by Gurjant Singh resident of village Dakala by affidavit that the above case is fraud means fake because the death of the deceased did not occurred due to operation of the thresher, but deceased died due to shock from kundi connection	I am in agreement with the report of Secretary regarding stoppage the payment to the deceased Smt. Karnail Kaur w/o Shri Joginder Singh and cancellation of the case with unanimity and approved the same.
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			supplied to home, which was running Farata Fan while preparing dung cake. Due to complaint of complainant, the further processing and payment of the case has been stopped. The case is liable to be cancelled by the Market Committee and is presented for approval.	
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Learned counsel appearing for the petitioner contends that the initial inquiry conducted on the orders of the Deputy Commissioner by the three Member Committee recommended the case of the petitioner for grant of the financial assistance. He contends that the respondents have averred that certain complaints were received by them later in point of time whereupon inquiry was conducted into the validity of the claim lodged. However, the petitioner was not joined in any such inquiry and that claim has been wrongly rejected.

Learned counsel for respondents No.2 and 3 refers to the written statement dated 09.07.2018 filed before this Court and contends that a wrong narration of facts has been given by the petitioner for seeking benefits of financial assistance under the said policy. He refers to the preliminary submissions in this regard, which are extracted as under:-

“2. That the present petition has been filed by the



CWP-1821-2018(O&M)

-6-

petitioner alleging therein that the mother of the petitioner namely Karnail Kaur died in an accident on 12.06.2011, while operating fodder machine for cattle due to electric shock and so he being the legal heir is entitled for compensation as per the policy of the government (Annexure-P-3). Here it is worth mentioning that the date of death of Karnail Kaur is 12.06.2011, but the D.D.R./Information given to the concerned police station is on 21.06.2011, after a considerable delay. The father of the petitioner, after completing the formalities submitted the case in the department seeking compensation. The proceedings commenced and so record pertaining to the case was sent to the Deputy Commissioner, Patiala and the same was sent to the S.D.M. Patiala and the enquiry report was also prepared and then a three member committee was constituted for the compensation case of the petitioner. The petitioner was called for interview and thereafter the three member committee sanctioned the compensation case of the petitioner.

3. That after the sanctioning of the case of the petitioner, certain new suspicious facts came in the knowledge of the department and so the answering respondent ordered for the re-investigation of the compensation case /claim. Thereafter, the statements of the residents of the village were recorded and in the meantime, one complaint was received from Sh. Gurjant Singh stating therein that the compensation case filed by the petitioner is fake and bogus and further he stated that at the time of the accident, he was present on the spot and the deceased had died not because of the fodder machine but because of the shock from the electric wires, which were illegally installed (kundi connection) coming in contact with the wet cow dung and the deceased was



CWP-1821-2018(O&M)

-7-

preparing the dung cake (Pathia) at that time and because of this, the deceased had died.

4. *That thereafter, the complainant was summoned and the other relevant record was also re-verified. The statement of certain other persons were also recorded namely Sh. Jaswinder Singh and Mohinder Singh and they also stated that the deceased had not died because of the current in the fodder machine and here it is also worth mentioning that the deceased was the maternal aunt of Mohinder Singh.*

5. *That though initially, the compensation/claim case filed by the petitioner was sanctioned but thereafter residents of the locality and the immediate neighbours got their statements recorded to the effect that the real cause of the death of the deceased is due to the illegally installed electric wires coming in contact with the wet cow dung and so keeping into consideration all these facts, the department vide resolution no.1936 dated 16.06.2016, rejected the claim of the petitioner seeking compensation on account of his mother's death."*

The petitioner, thus, did not disclose the true and correct facts for availing the benefits and as such he was not entitled to the financial assistance.

Despite a specific stand having been taken by respondents No.2 and 3 in the written statement filed in the year 2018 alleging that Karnail Kaur did not die on account of any agricultural operation or on account of electrocution while operating the fodder machine and that the benefit of the policy cannot be extended, no replication controverting the said stand has been filed by the petitioner. He also submits that as per the said policy, a medical certificate is required to be obtained from the Medical Board and

**CWP-1821-2018(O&M)****-8-**

no such medical certificate was furnished by the petitioner along with the claim and that even the DDR was recorded after a delay of 9 days of the occurrence. It is also submitted that as many as 6 persons had given affidavit during the course of the inquiry by the market Committee that death of Karnail Kaur had not occurred with the chaff cutter-tokka machine and the same was rather on account of electrocution in the manner as has been submitted in the preliminary submissions extracted above.

Separate reply was also filed on behalf of respondent No.1, where the Additional Secretary to Government of Punjab, Department of Agriculture & Farmers' Welfare mentioned that the competent authority for settlement of such a grievance is the Market Committee.

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

A specific query was raised to learned counsel for the petitioner as to whether the act of making cow dung cakes while at home would fall within the scope of the financial assistance scheme to be extended to him since the subject of the policy talks of the electrocution accident that had occurred. The scope of the policy entitles a victim to claim compensation when the accident occurs while involving in an "agricultural operation". Besides, it is also required to be established that there is a proximate link between the death and the agricultural operation. Counsel for the petitioner was called upon to respond to the same.

Learned counsel for the petitioner is not able to respond to the said query(ies). Further he was also confronted that in the absence of rejoinder/replication to the specific objection of the respondents despite

**CWP-1821-2018(O&M)****-9-**

lapse of a period of more than six years, an inference has to be drawn against him, no response has been put forth by him in this regard. This Court also notices that there is no admission of liability or the occurrence of the incident in the manner as has been claimed.

Even if the submission of the petitioner is taken into consideration for the sake of argument that initially the committee had made a recommendation for grant of financial assistance however, the fact remains that such recommendation had not been accepted by the nodal agency and instead they conducted an inquiry on the receipt of complaints received by them, when it came to the notice that not only the occurrence had not taken place as alleged but also that the incident is proximate result of an agricultural activity. The failure of the petitioner to file any replication denying the averments contained in the preliminary submissions and in not placing on record adequate and appropriate evidence to dislodge the specific case set up by the respondents before this Court leads to an adverse inference. Hence, considering it from this perspective as well I am of the opinion that the petitioner has been unable to put forth his claim to be entirely covered under the policy for grant of financial assistance. It rather raises disputed questions of fact required to be gone into before grant of compensation, which cannot be gone into by this Court.

The present petition is, accordingly, dismissed at this stage with liberty to the petitioner to take recourse to the alternative remedy(ies) available to him in accordance with law, if so advised. The period during which the present petition remained pending shall be taken into consideration while computing limitation.



CWP-1821-2018(O&M)

-10-

09.09.2024
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(VINOD S. BHARDWAJ)
JUDGE

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