



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-3712-2014 (O&M)

Date of decision: 17.09.2024

Tejbir Singh(minor)

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. B.D. Sharma, Advocate for the petitioner.

Ms. Niharika Sharma, AAG Punjab.

Ms. Meena Bansal, Advocate for respondents No. 2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to pay the compensation to the tune of Rs.60 lakhs along with adequate interest to the petitioner for the loss of limbs and injuries caused to him due to electrocution.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner Tejbir Singh (injured) is nephew of Virender Singh son of Bachan Singh resident of village Rayya, District Amritsar and had come to spend vacations at the place of his uncle. On 28.06.2013 at about 07:00 AM, Tejbir Singh son of Gurdip Singh, then aged 05 years came in contact with high tension loose electric wires and sustained multiple injuries on account of electrocution. He was taken to Radha Swami Hospital, Beas but



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the doctors advised to take him to some better Hospital. He was accordingly shifted to Hargun Hospital, Batala Road, Amritsar. On account of the injuries sustained, left arm of the petitioner had to be amputated and multiple surgeries had to be performed. The petitioner remained admitted in Hospital from 29.06.2013 to 29.08.2013. A complaint with respect to the incident was also made to the Police Chowki, Rayya and DDR was recorded on 08.07.2013. It was further argued that the incident in question took place solely on account of negligence of the respondents but no compensation was paid despite the petitioner submitting various representations through his uncle and having incurred huge expenses towards his (Tejbir Singh) medical treatment.

3. A reply on behalf of the respondents had been filed by way of an affidavit of the Chairman-cum-Managing Director, Punjab State Power Corporation Ltd. It was pointed out that the compensation admissible was calculated as per the provisions of the Workmen's Compensation Act, 1923 and that the same had been disbursed. Initially, the compensation was assessed at Rs.1,40,000/- but the case was finally decided by the authorities of Punjab State Power Corporation Ltd. vide order dated 09.09.2016 as per which the compensation was assessed @ Rs.8,77,597/- in respect of 80% permanent disability caused to the petitioner-Tejbir Singh. The said compensation has undisputedly been released to the petitioner.

4. Learned counsel appearing on behalf of the respondents draws attention of this Court to the order dated 01.12.2016 passed by this Court wherein payment of Rs.8,77,597/- (is acknowledged to have been received),



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however, an objection of the petitioner that the medical expenses incurred far exceeded quantum of compensation, the respondent-Punjab State Power Corporation Ltd. was directed to look into the same. She further informs that the medical expenses incurred on the treatment of the petitioner have also been taken care of and that an amount of Rs.8,38,048/- towards medical expenses stands disbursed to the petitioner in addition to the sum of Rs.8,77,597/- already awarded towards compensation. In this manner, a total sum of Rs. 17,15,645/- stands released to the petitioner.

5. Learned counsel for the petitioner has although made an attempt to advance an argument that the compensation awarded is insufficient but he is not in a situation to rebut that no rejoinder to the calculations submitted by the respondents has been filed and in the absence of any document placed on record to show that the calculation sheet was inaccurate, this Court cannot go into the correctness of the said calculations at this stage.

6. Even otherwise, the compensation so awarded by the respondents is in the nature of financial assistance and that in the event the petitioner is not satisfied with the same, he may, if so advised, take recourse to appropriate proceedings before the Civil Court and establish the quantum of his loss to seek just and fair compensation. The present petition is accordingly **disposed of** at this stage with liberty to the petitioner to take recourse to the alternative remedies. It is made clear that in the event of the petitioner pursuing such an alternate remedy, the period spent in pursuing the present writ petition shall be taken in to consideration while computing



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the limitation. Further, the amount already released shall be set of/taken into consideration while assessing the compensation admissible to the petitioner. In the event of the compensation being assessed by the Court being less than the compensation already awarded, the compensation given shall remain protected.

(VINOD S. BHARDWAJ)
JUDGE

17.09.2024
Mangal Singh

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