

Neutral Citation No. 2024:PHHC:008147

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

267

CWP-16601-2023 (O&M)
Date of decision:- 18.01.2024

Krishna Devi and others

... Petitioners

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Sanchit Punia, Advocate for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

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

VINOD S. BHARDWAJ, J. (Oral)

Instant writ petition has been filed for seeking directions to the respondents to award compensation to the petitioners on account of death of Ashok Kumar (husband of petitioner No.1 and father of petitioners No. 2 and 3) due to electrocution from transformer installed adjacent to the house of the petitioners.

2. It has been averred in the writ petition that the petitioners are residents of Shyam Vihar Colony in Hisar. A plastic manufacturing factory is running adjacent to the residential area and 11000 Volt transformer has been installed adjacent to the wall of house of the petitioner in violation of the safety measures. On 26.07.2022, there was a sudden electric current in the wall of the

house of the petitioners, due to which Ashok Kumar since deceased was pulled away from his own balcony and thrown into the street. He died as a result thereof. On the basis of statement of Ravinder Arya son of Karan Singh, a general diary entry was made on 26.07.2022 itself. The postmortem of the deceased Ashok Kumar was conducted on 27.07.2022 as per which the cause of death was due to electrocution. It is contended that despite numerous representations submitted for shifting of electricity transformer, the needful was not done. A prayer for compensation is thus prayed for.

3. Short reply of Sandeep Kundu, Executive Engineer (OP), Division -1, DHBVN, Hisar has been filed today in Court. Copy thereof has been furnished to the counsel for the petitioner. It is averred in the said reply as under:-

“5 That an unfortunate incident of electrocution had taken place on 26.07.2022 resulting in the death of late Sh. Ashok Kumar.

6. That the Nigam has issued a compensation policy for the fatal/non-fatal accidents of Human Beings, due to electrocution vide notification dated 15.07.2019. The petitioners have not filed any claim under the said policy before the competent authority and have filed the present petition directly in this Hon’ble Court. It’s a settled law that petitions under Articles 226/227 are not maintainable in matters where an alternative efficacious remedy is available to the petitioners. The petitioners have made a wrong statement regarding this in their petition, therefore the present petition is liable to be dismissed on this ground.

7. That the claim of the petitioners cannot be processed in the absence of any application submitted

along with all the requisite documents. As and when the petitioners will submit the requisite documents, the claim of the petitioners will be decided as per the Nigam policy in accordance with law and rules.”

4. In view of the specific averments in para Nos.6 and 7, wherein the respondents have submitted that as and when the petitioner will submit the requisite documents, the claim of the petitioners would be considered and a decision be taken in accordance with the policy notified by the respondent Distribution Licencee on 15.07.2019, counsel for the petitioner submits that he would have no objection in approaching the respondent authorities in terms of the applicable policy and for consideration of his claim.

5. Respondent authorities are directed to decide the representation of the petitioners within four months from the date of its submission.

6. Petition is disposed of accordingly.

18.01.2024
pooja saini

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No