



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-4446-2016 (O&M)

Date of decision: 12.09.2024

Rekha Devi and others

...Petitioners

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

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

Present :- Mr. Wazir Singh, Advocate for the petitioners.

Mr. Pankaj Mulwani, DAG Haryana.

Mr. Prateek Gupta, Advocate for respondents No.1, 3 and 4.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to award compensation to the petitioners to the tune of Rs.35 lakhs on account of untimely death of Parveen (husband of petitioner No.1 and father of petitioners No.2 to 5).

2. Learned counsel for the petitioners contends that Parveen (since deceased) was engaged by Dhanpal, Lineman, employee of respondent-Distribution Licensee for carrying out certain works pertaining to supply of electricity on 12.05.2015. He was occasionally engaged by respondent-Distribution Licensee as a private assistance for executing various works. During the course of carrying out the said repair works, on 12.05.2015, he got electrocuted as a result of which he died. The postmortem was conducted as per which the cause of death was shock due to multiple ante mortem injuries as a result of electrocution which was sufficient to cause death in a normal course of life. An FIR No.103 dated 13.05.2015 was also



registered under Section 304-A of IPC at Police Station Kunjpura, District Karnal. He further refers to the Investigating Report conducted by the Electrical Inspector. The relevant extract thereof reads thus:-

“INVESTIGATION REPORT ON ELECTRICAL ACCIDENT

1	a) Name of Victim	Parveen Kumar (PP) s/o Sh. Amar Nath
	b) Age/Sex	Approx. 37 yrs./Male
	c) Occupation/Designation	Private Person
2	a) Date & time of accident	12.05.2015 at around 5:00 pm.
	b) Private/UHBVNL employee	Private Person
	c) S/Divn.	‘OP’S/Divn., UHBVN
	Division	Newal.
	Circle	City Divn., UHBVN Karnal
		‘OP’ Circle UHBVN
		Karnal
3	Was the victim authorized	Unauthorized
4	Premises where accident occurred	On T-off Nabipur Committee Wala
5	Apparatus on which accident occurred.	11 KV Mehmadpur AP feeder 132 KV S/Stn. Newal committee wala T-off
6	Fatal or Non fatal Accident	Fatal Accident
7	Description of accident:-	

The site was investigated by this department on dated 30.09.2015 and after detailed deliberation with the local eye-witnesses/Nigam officials of UHBVN, it came to the knowledge that Sh. Dharampal, Lineman was working on the 11 KV Mehmadpur AP



feeder and while doing this job, he obtained the help of Private Person Sh. Parveen Kumar, victim. Also Sh. Dharampal did not inform to his seniors about the engagement of unauthorized person, Sh. Parveen Kumar, who ultimately died while working on the 11 KV Mehmadpur AP feeder at 11 KV T-off named as Committee W T-off near Village Nabipur. The circumstances of the site and as per documents related to this case submitted by the UHBVN authorities, it is concluded that Sh. Parveen Kumar (PP) unauthorisingly engaged by Sh. Dharampal, Lineman. Moreover, he did not obtain PTW which ultimately converted into the fatal accident and the victim, Sh. Parveen Kumar died.

The accident could had been averted if (i) he had obtained PTW before started working (ii) he had made temporary earthing on both side of the T-off.

8. *EE, Rules infringed.* 19.
9. *Person responsible for accident Victim himself and Lineman*

Sd/-

xxxxx.”

3. Relying on the same, learned counsel for the petitioners contends that the respondents acknowledged in their own investigation that Parveen had been engaged by Dhanpal, Lineman-employ of respondent-Distribution Licensee and he has not informed his seniors about the engagement of Parveen and had also not obtained PTW as a result whereof



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the event of the electrocution occurred. He contends that the controversy in the case is covered by a judgment passed by this Court in **CWP-15331-2015** titled as **Meera and Ors. Vs. SDO/XEN DHBVN Ltd. and Ors.** reported as **2023 (3) RCR (Civil) 548**.

4. Learned counsel for the respondents contends that there is no evidence that has been led by the petitioners with respect to income even though it is claimed that deceased-Parveen was earning around @ Rs.20,000/- per month. He further contends that an interim compensation of Rs.4 lakhs has already been released in favour of the petitioners pursuant to the order dated 22.02.2017 passed by this Court. He is however not in a position to controvert the investigation report filed by the Electrical Inspector as per which the employee of the respondent-Distribution Licensee had himself engaged Parveen (since deceased) for carrying out the works of the respondent-Distribution Licensee itself. He is also not in a position to dispute the applicability of the judgment passed by this Court in the matter of **Meera and Ors.** (supra).

5. Having heard the learned counsel for the parties and on going through the judgment in the matter of **Meera and Ors.** (supra), it is evident that the same pertains to an incident of 2013, while the incident in the present case is of 2015. The deceased therein was 36 years of age and was survived by a widow and three minor children. Similarly, the deceased herein was 37 years of age and is survived by the widow and four children. The deduction of 25% was taken. The same deduction and income is accepted in this case as well. Accordingly, a compensation of



Rs.19,60,000/- is awarded for different heads tabulate as under:-

<i>Total dependency including future prospects</i>	<i>Rs. 90,000 X 40% multiplied by 100</i>	<i>Rs. 1,26,000-00</i>
<i>After applying multiplier of 15</i>	<i>126000 X 15</i>	<i>Rs. 18,90,000-00</i>
<i>Loss of Estate</i>		<i>Rs. 15,000-00</i>
<i>Loss of consortium</i>		<i>Rs. 40,000-00</i>
<i>Funeral expenses</i>		<i>Rs. 15,000-00</i>
<i>Grand Total</i>		<i>Rs. 19,60,000-00</i>

6. In view of the above, the present petition is **partly allowed** in terms of the order dated 22.03.2023 passed by this Court in the matter of **Meera and Ors.** (supra). The sum of Rs.4,00,000/- already released in favour of the petitioners be adjusted from the amount held payable. Let the above amount be released along with interest @6% per annum from the date of filing of the present petition till its release.

(VINOD S. BHARDWAJ)
JUDGE

12.09.2024
Mangal Singh

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