

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CWP-18197-2023

Date of decision: 12.01.2024

BALWANT

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- None for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana
for respondent No.1.

Mr. Vivek Saini, Advocate
for respondents No.2 & 3-DHBVN.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present writ petition is for seeking enhancement of the compensation awarded to the petitioner on account of injury sustained by him due to electrocution.

2. It is averred that the petitioner alongwith one Sandeep son of Mahabir were doing work of laying tiles and marbles on the roof of Sudhar furniture house on 26.06.2020. An electricity transmission line passes near the house, in of the street, which is approximately at a distance of 2-2 ½ feet from the roof. The electricity wires were hung in a loose condition and were sagging. The petitioner received an electrical shock and as a result thereof he fell down in an unconscious condition. He was taken to Suvidha Hospital, Hisar for treatment. A

DDR was also recorded qua the said incident. The petitioner thereafter remained admitted in Sapra Hospital, Hisar from 26.06.2020 to 19.07.2020 where he was operated and sub-clavicular CVP was done on him on 26.06.2020 and he had to further undergo Tracheostomy on 29.06.2020. An amputation of arm also had to be carried out under the general anesthesia on 03.07.2020. The petitioner has suffered a permanent disability of left upper limb and both his legs were also badly burnt and he has not yet fully recovered. The petitioner claimed that he was 22 years of age and used to earn Rs. 15,000/- per month and that the compensation awarded by the respondents is meagre and does not take into consideration the hardships of the petitioner as also the criteria laid down in the policy.

3. Counsel for the respondents No.2 and 3, however, contends that the claim of the petitioner was considered in terms of the policy as well as the Permanent Disability Certificate issued to the petitioner by the competent authority. It is contended that the petitioner was permanently disabled to the extent of 70%. The calculation of compensation had to be done in terms of the policy on the basis of the evidence adduced by him to prove his income. It is contended that the petitioner failed to lead any cogent evidence to substantiate his income on the basis whereof any higher amount could have been awarded.

4. It is evident from a perusal of the impugned order that the monthly income was computed at Rs. 4166.666, which may even be below the minimum wages prescribed by the Government even though the petitioner was a skilled worker. There is no reference in the order as

to how the above income of the petitioner was computed and whether any evidence was led or not.

5. Counsel for the respondent fairly concedes that the officials would have no objection to reconsider the case of the petitioner for grant of just and appropriate compensation as per the policy in the event the petitioner submits evidence and establishes that his monthly income was higher and that he is entitled to higher compensation than what has been awarded.

6. Taking into consideration the contention made by the counsel for the respondent, the present petition is disposed of at this stage with liberty to the petitioner to approach the respondent-authorities and lead such appropriate evidence as is necessary to establish his income and a claim for a higher compensation under the policy of the respondent-Distribution Licensee. The amount of compensation already awarded to the petitioner and stated to have been released would however be set off from the higher compensation so determined.

The writ petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 12, 2024

Vishal sharma

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