

2024:PHHC:071411



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

250

CWP-24952-2023
Date of Decision: 20.05.2024

KURBAN ALI

... Petitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD.
AND ANR

... Respondents

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

Present: Mr. Sunil Kumar Tandon, Advocate
for the petitioner, (*through video conferencing*)

Mr. Vivek Saini, Advocate for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the speaking order No.304 dated 06.07.2023 (Annexure P-6), whereby the claim of the petitioner to grant compensation on account of the death of his son namely Munish Ansari, has been rejected, which is in violation of the policy notified by the respondents themselves.

Without referring to the factual matrix of the case, it is contended by the counsel for the petitioner that the petitioner had approached this Court vide CWP No.1861 of 2022 titled as 'Kurban Ali and another Versus UHBVNL' which was disposed of vide order dated 15.09.2022 with a direction to the respondents to take a decision on the claim preferred by the claimant in accordance with the policy notified by them.



Pursuant to the above said order, the petitioner had submitted a representation/claim with respondent-Authorities but the same was declined on the ground that the petitioner himself had been negligent and contributed to the cause of the accident by carrying an iron rod (saria), due to which the electrocution was caused. He submits that the expression used in Clause-11 of the Victim Compensation Policy notified by the respondents talks of compensation irrespective of the reasons of the accident/incident. It is contended that the said policy aims to compensate the victim on a 'no fault liability' basis and as such, question of determination of negligence/contributory negligence pales into insignificance. He further submits that idea of seeking a report from the Chief Electric Inspector is not to ascertain liability but only to notice the administrative lapses, if any, and thereafter to take remedial steps and not for the purposes of assessing the liability to be paid to the victims.

Learned counsel for the respondents contends that respondent-UHBVNL would have no objection to re-consider the issue in light of the submissions made by the counsel for the petitioner as noticed hereinabove.

Learned Counsel for the petitioner has no objection to the same.

Accordingly, without commenting on the merits of the present petition, the office order No.304 dated 06.07.2023 is set aside. The matter is remanded to the Chief Engineer (Operations), UHBVNL, Rohtak for passing a fresh order on the application submitted by the petitioner for seeking compensation in terms of the policy notified by the respondents. The party may appear before the Chief Engineer (Operations), UHBVNL, Rohtak on 18.06.2024, whereupon an appropriate decision shall be taken in accordance



CWP-24952-2023

-3-

with law and as per the terms and conditions of the policy so notified by the respondents, within a period of two months thereafter.

Disposed of accordingly.

MAY 20, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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