

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC.140987



CWP-23341-2025 (O&M)
DATE OF DECISION : 09.10.2025

SHEELA DEVI AND ANOTHER ... PETITIONERS
V/S
STATE OF HARYANA AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shashikant Gupta, Advocate for the petitioners.

Mr. Ravish Kaushik, Addl. AG Haryana.

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SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari for quashing of order dated 18.03.2024 (Annexure P-9) passed by respondent No.3 and for issuance of mandamus to the respondents to pay Rs.1 Crore as compensation on account of death of Sandeep Kumar and also offer compassionate appointment to a family member of the deceased.

2. Petitioner No.1 is the wife and petitioner No.2 is the father of the deceased, who was an agriculturist and claimed to be earning Rs.30,000/- p.m. In the morning of 18.08.2023, Sandeep Kumar went to the agricultural fields for cultivating them, but did not return home. His father went searching for him and found him lying dead under the power supply lines. An aluminium pipe along with a nozzal was lying next to his badly burnt body. Intimation was given to the police and DDR No.28 (Annexure P-2) was entered on the same day.

3. Learned counsel for the petitioners has contended that 11 KV electric wire passing over the agricultural fields was hanging loose and the pipe which the deceased was carrying while cultivating the agricultural fields came in contact with the overhanging wire leading to his electrocution. He stresses that the wires were maintained by officials of Dakshin Haryana Bijli Vitran Nigam (DHBVN) who were grossly negligent and derelict in the performance of the duties. Counsel submits that the respondents have framed a policy dated 15.07.2019 (Annexure P-4) for grant of compensation in case of fatal and non-fatal accidents due to electrocution but vide impugned order (Annexure P-9), they have illegally closed petitioners' case without payment of any compensation. Learned counsel for the petitioner has placed reliance upon the judgment of this Court in ***“Raman vs. State of Haryana and others, 2013 SCC Online P&H 11970”***

4. I have heard counsel for parties as well as examined the documents appended with the paper-book.

5. After enquiring into the incident, Executive Engineer DHBVN Narnaul prepared an investigation report. The relevant extract of the report reads as under:-

“Investigation Details: Upon receiving the report of Sub Divisional Officer Sh. Raj Kumar Yadav, I proceeded to the site along with JE and local staff to conduct a thorough investigation. Upon inspection of the scene, we determined the following key details:

Sh. Sandeep was involved in the shifting of an aluminium water drizzling pipe from one cation to another within his field, which was densely populated with crops of Bazara, reaching a height of 10 to 11 feet.

The aluminium water drizzling pipe made unintended contact with the 11 KV HT line, of 11 KV Gujjarwas AP feeder, emanating from 132 KV sub-station Ateli which found at suitable height from ground clearance.

Visual evidence in the form of flash marks observed on the aluminium pipe indicated the point of contact with the HT line.

According to the records of the power house, there was no record of any tripping or disturbance on the feeder at the time of the incident.

Probable Cause: *Based on investigation, it found clear that the fatal accident involving Sh. Sandeep occurred due to the inadvertent contact between the aluminum water drizzling pipe and the 11 KV HT line, Gujjarwas AP feeder. This tragic incident could have been avoided if Sh. Sandeep had been mindful about maintaining a safe distance/height between the pipe and the HT line, while handling the pipes from one location to other location.*

Conclusion: *It is important to note that no negligence or fault directly on the part of any Dakshin Haryana Bijli Vitran Nigam officer or official was identified during this investigation. The accident was a result of Sh. Sandeep's unintentional contact between the aluminium pipe and the HT line due to his failure to maintain the necessary safety precautions. This investigation report concludes that the fatal accident of Sh. Sandeep was not caused by any negligence on the part part of DHBVN officials or employees and Nigam itself. Further course of action may be taken as per Nigam's policy. Submitted for kind consideration and perusal please.”*

6. This report was accepted by the Executive Engineer, Electrical Inspectorate Haryana vide endorsement dated 23.11.2023 and the impugned order Annexure P-9 has been passed on its basis.

7. From a perusal of the above reproduced report, it is evident that the clearance distance of the 11 KV electric line from the ground was within the regulatory norms. During the course of enquiry, it was found that the deceased was carrying an aluminium water pipe which came in touch with the overhead 11 KV line resulting in his electrocution. It has been found that there was no tripping or disturbance on the feeder at the time of the accident and petitioners have not been able to refer to any material to contradict this

fact. Petitioners have failed to challenge the investigation report or to refer to any material to enable this Court to come to a conclusion that there was any violation of the electricity rules or regulations. The reliance placed upon the judgment in *Raman's* case (supra) would not advance the case of the petitioners. In order to enable the Court to come to a firm conclusion that responsibility or culpability is of DHBVN, petitioners are required to lead both ocular and documentary evidence for which purpose they will have to approach the civil court. In the absence of any material, writ court is not in a position to discard the investigation report and fasten liability upon the respondents.

8. Consequently, writ petition is dismissed.

9. Liberty is granted to the petitioners to take recourse to the remedy available to them in accordance with law. In case the petitioners opt to do so, any observations made hereinabove shall not be treated to be as an observation or finding on the merits of their claim.

09.10.2025

Janki

(SUVIR SEHGAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No