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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of Decision:01.12.2025

MONIKA AND OTHERS

...Petitioners

Versus

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S. S. Shekhawat, Advocate with
Mr. Ajay Shekhawat, Advocate
for the petitioners.

Mr. Puneet Jindal, Sr. Advocate with
Mr. Rohit Sharma, Advocate and
Mr. Anil Chawla, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to pay compensation to the petitioners on account of the death of Bijender (husband of petitioner No.1), aged 28 years due to electrocution while performing duty/work for UHBVN Ltd., to the tune of Rs. 50 lakhs as per Policy dated 22.02.2017 (Annexure P-8) along with other consequential benefits and interest at the rate of 12% per annum.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners through the instant petition are seeking re-issuance of financial assistance to the tune of ₹10 lakhs on the basis of Notification dated 18.05.2017,

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which was issued in exercise of power conferred under Section 56(3)(vi) of the Haryana Electricity Reforms Act, 1997, read with Electricity Act, 2003, vide the aforesaid Notification a compensation policy has been framed for fatal and non-fatal accidents of human beings due to electrocution and compensation thereof for the Nigam employees is provided. The husband of petitioner No.1 suffered electrocution while performing his duty on 09.07.2016. At that time the Haryana Compassionate Assistance of the Dependents of Deceased Employee Rule, 2006 were applicable to the respondent-Nigam. In the aforesaid rules, Para 6 provided that *“all pending cases of ex gratia assistance shall be covered under the new rules. The calculation of the period and payment shall be made to such cases from the date of notification of these rules. However, the family will have the option to opt for the lump sum ex gratia grant provided in the Rules 2003 or 2005, as the case may be, in lieu of the monthly assistance provided under the Haryana Compassionate Assistance of the Dependents of Deceased Employee Rule, 2006”*. Bare reading of Para 6 of 2006 Rules clearly indicates that a retrospectivity was rendered to the effect that all pending cases of *ex gratia* assistance are to be decided under the new rules with an option to the families to opt for lump sum ex gratia grant provided in the Rules 2003 or 2005. As such, on the same analogy learned counsel for the petitioners submits that before the formal release of the compensation on 25.09.2017, the policy dated 18.05.2017 was introduced, as such in the light of the 2006 Rules the case of the petitioners is required to be considered under the policy dated 18.05.2017, which provides for an *ex gratia* amount of ₹10 lakhs in case of fatal accident. Admittedly, in order to substantiate his arguments, he has relied upon Annexure P-7 and submits that only on 23.06.2017 the payment was released i.e. after the implementation of the 2017 Policy on 18.05.2017.

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3. *Per contra*, learned Senior counsel for the respondents-Nigam submits that the case of the petitioners is not covered under the Policy of 2017, which was implemented on 18.05.2017 as the fatal accident took place in July 2016 and the amount under the Employees Compensation Act, 1923 was sanctioned on 14.02.2017, as such the petitioners' reliance on the 2017 Policy is totally misplaced.

4. Learned Senior counsel for the respondents further refers to the Notification dated 18.05.2017, wherein it has been explicitly mentioned that the policy shall come into force with immediate effect. The petitioners have been provided financial assistance in terms of the 2006 policy, which was in vogue at the time of the death of the deceased employee and all admissible dues under the Employee Compensation Act, 1923 have been paid. Further, the petitioners at the time of receiving the payment under the Employees Compensation Act, 1923 have raised no objection. The petitioners continue to avail the benefit of monthly financial assistance even today.

5. Having heard the learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the deceased employee of the respondent-Nigam unfortunately died while performing his duties on 09.07.2016 and the financial assistance to the petitioners was provided in terms of the policy of 2006, which was in force at that time. The petitioners have sought the compensation following which their case was processed and a sanction was granted on 14.02.2017 for an amount of ₹8,54,280/-. Thereafter, on 18.05.2017, the respondent-Nigam implemented a new policy, which provides for *ex gratia* compensation of 10 lakhs in fatal accident cases. Further, there is nothing in the Notification dated 18.05.2017 which would make the policy retrospective to cover the case of the petitioners, rather the expression used in

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the Notification is clear with regard to the date of its implementation as it has been mentioned that “*The compensation policy shall come into force in UHBVN with immediate effect*”.

6. In the wake of above discussion and findings, the present petition stands dismissed.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)

JUDGE

01.12.2025

P.Bhatt

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>