
(2001) 05 P&H CK 0010
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 12342 of 2000

Santosh Devi and Others

APPELLANT

Vs

Haryana Vidut Prasaran Nigam and Others

RESPONDENT

Date of Decision : 15-05-2001

Acts Referred:

Citation : (2001) 05 P&H CK 0010

Hon'ble Judges : N.K. Sud, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : Suman Jain, for the Appellant; Palika Monga, AAG, Haryana, for the Respondent

Judgement

Jawahar Lal Gupta, J.—On March 27, 2000, Gopi Ram was electrocuted. His wife, mother and son have filed this petition to claim

compensation. It is alleged that electrocution had occurred on account of the negligence of the officials of Respondent No. 1. At the asking of the

officials, the deceased had taken the wire in his hand and was electrocuted. The deceased was 38 years of age. An enquiry was held. It was found

that the death had occurred on account of the negligence of the employees. Thus a notice demanding compensation was issued. The needful having

not been done, the Petitioners have approached this Court through the present writ petition.

2. No written statement has been filed on behalf of Respondent Nos. 1 and 2. Reply has, however, been filed on behalf of Respondent No. 3. It is

alleged that intimation regarding the accident had to be given within 24 hours. Since no intimation was received, no investigation could be carried

out. However, after the receipt of the legal notice, the matter was looked into. It has been admitted that the accident could have been averted if the

wire had been disconnected from the feeding end or isolated...." A copy of the report of investigation has been produced as Annexure R. 1.

3. We have heard the Learned Counsel for the Petitioner and Ms. Palika Monga, AAG Haryana, who has appeared on behalf of Respondent No.

3. No one has put in appearance on behalf of Respondent Nos. 1 and 2. This is so despite the fact that on April 16, 2001, it was stated by the

counsel on behalf of these Respondents that the matter regarding grant of compensation to the Petitioners shall be decided within two weeks. No

decision has been placed on the record. Since no one has put in appearance on behalf of Respondent Nos. 1 and 2, we have no alternative but to

proceed with the case.

4. A perusal of the investigation report, produced as Annexure R/1, shows that the staff of the first Respondent had been asked to erect poles.

These officials had asked Gopi Ram, deceased, to help them. Sarwan Singh, Lineman had cut the PVC wire which was providing electricity to the

tube-well. He had not disconnected it from the feeder. He had thrown it on the land which was wet. During the process of installing the electric

pole the hand of Gopi Ram touched the live portion of the wire and he was electrocuted. It has also been found that the accident could have been

averted if the wire had been disconnected.

5. It is, thus, clear that the employees of Respondent Nos. 1 and 2 were negligent. A young life was taken away by their failure to disconnect the

wire. The Petitioners deserve to be compensated. Keeping in view the circumstances of the case which have not been controverted even by filing a

written statement, we award a sum of rupees two lacs to the Petitioners. The payment shall be made within one month from the date of receipt of a

certified copy of this order. In case the Petitioners have any other claim, they would be entitled to seek their remedy before the appropriate forum

including the Civil Court. The writ petition is accordingly disposed of. No costs.

Sd/- N.K. Sud, J.