

PUNJAB AND HARYANA HIGH COURT**Bench: Justice Vinod S. Bhardwaj****Date of Decision: 15 August 2023**

Civil Writ Petition Nos: CWP-11626-2023

Along With CWP-12048-2022, CWP-13191-2020, CWP-17870-2022, CWP-18297-2018, CWP-20696-2016, CWP-20939-2018, CWP-23570-2018, CWP-23898-2015, CWP-25503-2021, CWP-27448-2018, CWP-29359-2018, CWP-4744-2019, CWP-625-2020, CWP-7499-2019, CWP-18070-2019, CWP-7506-2022, CWP-840-2020, CWP-8979-2023, CWP-15708-2019, CWP-31152-2019, CWP-33920-2019, CWP-3109-2022, CWP-6323-2023, CWP-6060-2022, CWP-13215-2023, CWP-21290-2023, CWP-25606-2023, CWP-27831-2023, CWP-2423-2022

PARAMJEET SINGH ... Petitioner**VERSUS****PUNJAB STATE POWER CORPORATION LTD. AND ANR. ...****Respondents****Legislation and Rules:**

Employee's Compensation Act, 1923

Punjab State Power Corporation Ltd. Policy (Office Order No.10, I.R.O. 676, Dated 08.12.2023)

Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participations) Act, 1995

Employees State Insurance Act, 1948

Subject: Petitions seeking compensation for fatal and non-fatal injuries/deaths caused by electrocution, involving employees (regular and contractual) of the Electricity Department and private individuals.

Headnotes:

Compensation Policy – Punjab State Power Corporation Ltd. – Introduction of a comprehensive policy by respondents/PSPCL for compensation in cases of fatal/non-fatal injuries/deaths due to electrocution – Application to employees (regular and contractual) and private persons (including minors and adults) – Details of compensation under various scenarios provided. [Para 8]

Employee Compensation Act, 1923 – Application – The policy for compensation aligns with the provisions of the Employee's Compensation Act, 1923 – Calculation of compensation amounts for various categories and age groups detailed – Maximum wage ceiling considerations and relevant factors for calculation exemplified. [Para 9-12]

Policy Implementation – Procedure for Claiming Compensation – Petitioners directed to approach respondent-Authorities with necessary documents for compensation claims as per policy – Policy includes a detailed procedure and required documentation. [Para 14]

Decision: Petitions disposed of with instructions to petitioners to approach PSPCL for compensation claims as per the outlined policy, and respondent authorities to decide and release compensation expeditiously.

Referred Cases: None.

Representing Advocates:

Advocate Sunil Kumar Tandon Advocates Munish Gupta, Anil Saini, Sunil Agnihotri, G.S. Sandhu, Jagjit Singh, Gulshan Nandwani, Basant Sharma, Judgepreet Singh Warring, Vishwajit Bedi, Rahul Judge, M.S. Randhawa, Manjit Kaur Saini, Teevar Sharma, AAG Punjab, Monica Chhibber Sharma, Komal Sharma, Jagdeep Singh, Kannan Malik, Akshay Rawal, Edward George, Shivani Jaglan, Gurnoor Singh Sethi, Sehajbir Singh, Baltej Pal Singh Walia, Parminder Singh, Sushil Saini, Yash Paul Khullar, Anmol Jindal, Harpriya Khaneka, and Vishal Chaudhary appeared for petitioners.

Respondents PSPCL represented by various advocates including Monica Chhibber Sharma and others.

VINOD S. BHARDWAJ, J. (ORAL)

The cases in hand relate to seeking compensation on account of fatal/non-fatal injuries/deaths sustained by the petitioners (herein) or their family members (victims) on account of electrocution.

Counsel for the respondents-PSPCL has placed on record the policy bearing Office Order No.10, I.R.O. 676, Dated 08.12.2023 alongwith an affidavit of Er. Sukhwinder Singh, Dy. Chief Engineer/Tech. Punjab State Power Corporation Ltd., as per which the respondents/PSPCL has constituted an Authority and provided a Mechanism for payment of compensation to victims or their heir in terms of the said policy for fatal/non-fatal accidents. The said policy applies to all the pending cases, subject to determination of the negligence of the Authority concerned. The said policy contains provisions for payment of compensation to the employees of the Electricity Department (regular and contractual) as well as for the private persons (including minors and adults). The relevant part thereof is extracted as under:

“A. PSPCL's Regular Employees:

FATAL ACCIDENT	NON FATAL ACCIDENT
<p><i>1. Payment of compensation in accordance with the provisions of Employee's Compensation Act, 1923.</i></p> <p><i>OR</i></p> <p><i>Payment of Ex-gratia amounting to Rs. 10.00 Lac in accordance with finance circular No. 20/21 read with Secretary PSEB Patiala Circular Memo No. 26943/27565/ Spl. 3 dated 08.02.1974.</i></p> <p><i>2. Accidental Group Insurance amounting to Rs. 1.00 Lakh</i></p>	<p><i>1. Provision regarding payment of Disablement compensation in accordance with the provisions of Employee's Compensation Act, 1923.</i></p> <p><i>OR</i></p> <p><i>Payment of Ex-gratia amounting to Rs. 10.00 Lac in accordance with finance circular No. 20/21 read with Secretary PSEB Patiala Circular Memo No. 26943/27565/Spl. 3 dated 08.02.1974.</i></p> <p><i>2. Provision regarding advance payment for cost of treatment up to</i></p>

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<p><i>in accordance with Joint Secy./ Personnel office Memo no. 20872/22281 dt. 02.03.2007.</i></p>	<p><i>80% (in private /Govt. Hospitals) in accordance with Deputy Secy / P&R memo no. 72216/ 416/ REG/16/Loose-2 dated 20/7/2011.</i></p> <p><i>3. Service benefits as provided under Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participations) Act, 1995.</i></p>
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It has been decided to extend facility of providing medical advance for the treatment of injured employee immediately after occurrence of accident. For this purpose competency will be as under:

(a) Sr. Xen - Upto Rs. 1,00,000/-

(b) SE - Upto Rs. 2, 00,000/-

(c) CE - Upto Rs. 3,00,000/-

- *The concerned Sr.Xen/ DDO shall satisfy himself before disbursement that the amount being disbursed is genuine and in accordance with the requirement of treatment.*
- *The medical advance paid as above will be recovered from the medical bills submitted by the victim for reimbursement.*
- *In case the victim dies during the treatment, then on presentation of the medical bills by the legal heirs of the victim, medical advance paid as above shall be adjusted against the medical reimbursement.*

Provided in case the employee dies during the treatment, if the reimbursement amount falls short of the medical advance then the shortfall of medical advance shall not be recovered from the Death-cum - Retiral benefits and the same may be got written off from the competent authority i.e. CMD, PSPCL.

B. Contractual Workers (Directly hired by PSPCL)

FATAL ACCIDENT	NON FATAL ACCIDENT

<p>1. Provision regarding payment of ex-gratia amounting to Rs 10 Lakh in case of death due to an accident occurring during the course of employment and in employment (as per decision of the BODs dt. 25/10/2023).</p> <p>2. Group insurance of Rs. 10.00 Lakh (as per decision of the BODs dated. 25/10/2023).</p> <p>3. Dependent benefits (family pension) to the legal heirs of the Deceased in accordance with the provisions of Employees State Insurance Act, 1948.</p>	<p>1. (a) In case of non-fatal accident resulting into 100% permanent disability, a lumpsum compensation amount of Rs. 10.00 lac as Ex-gratia.</p> <p>(b) If the disability is less than 100% then compensation shall be paid on pro rata basis depending upon the percentage of disability.</p> <p>2. Disablement benefits as per terms and conditions of the group insurance.</p> <p>3. Treatment / Reimbursement of medical expenditure and Disablement benefits (Both temporary and permanent disablement as per Employees State Insurance Act, 1948.</p>
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C. Contractor's workers (through contractors/outsourced agencies)

FATAL ACCIDENT	NON FATAL ACCIDENT
<p>1. Payment of Ex-gratia amounting to Rs. 10 Lac in case of death due to an accident occurring during the course of Employment and in employment (As per BODs</p>	<p>1. (a) In case of non-fatal accident resulting into 100% permanent disability, a lumpsum compensation amount of Rs. 10.00 lac as Ex-gratia.</p> <p>(b) If the disability is</p>

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<p>decision dated 25.10.2023).</p> <p>2. Group Insurance 10 lacs as per the terms and conditions of the contract. (As per BODs decision dated 25.10.2023)</p> <p>3. Dependent benefits to the legal heirs of deceased in accordance with the provisions of Employees State Insurance Act, 1948.</p>	<p>less than 100% then compensation shall be paid on pro rata basis depending upon the percentage of disability.</p> <p>2. Disablement benefits as per the terms and conditions of Group Insurance.</p> <p>3. Treatment/ Reimbursement of medical expenditure and disablement benefits (Both for temporary and permanent disablement as per Employees State Insurance Act, 1948).</p>
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D. Private Person (Adult)

FATAL ACCIDENT	NON FATAL ACCIDENT
<p>Payment of compensation In accordance with the provisions of Employees compensation Act, 1923 as per PSPCL's Delegation of Powers Regulation No.130.</p>	<p>Payment of disablement compensation In accordance with the provisions of Employees compensation Act, 1923 as per PSPCL's Delegation of Powers Regulation No.130</p>

E. Private Person (Minor, means whose age is below 16 yrs. of age)

FATAL ACCIDENT	NON FATAL ACCIDENT
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<i>Payment of compensation in accordance with the</i>	<i>Payment of disablement compensation in accordance with</i>
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<i>provisions of Employee's Compensation Act, 1923. Considering the victim as above 16 years of age.</i>	<i>the provisions of Employee's Compensation Act, 1923, considering the victim as above 16 years of age.</i>
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Further, the counsel for the respondents-PSPCL has furnished an illustrative table also, which displays calculation of amount of compensation as per Section 4 of the Employees Compensation Act, 1923. The same is extracted as under:

"A. Category - Adult

Age-25yrs

Monthly Income - 15,000/- (Maximum Wage ceiling as prescribed under Employee's Compensation Act, 1923)

Relevant Factor - 216.91 (corresponding to the age of the concerned person as specified in second column of schedule IV)

(i) IN CASE OF FATAL ACCIDENT:

Amount of Compensation = 50% of monthly wage × relevant factor or 1,20,000/ (whichever is more)

$$= 7500 \times 216.91 = 16,26,825/-$$

(ii) IN CASE OF NON-FATAL ACCIDENT (Permanent disability):

Amount of Compensation = 60% of monthly wage × relevant factor or 1,40,000/- (whichever is more)

$$= 9000 \times 216.91 = 19,52,190/$$

B. Age = 65 yrs or more

Monthly Income - 15,000/- (Maximum Wage ceiling as prescribed
under Employee's Compensation Act, 1923)

Relevant Factor - 99.37

(i) IN CASE OF FATAL ACCIDENT:

Amount of Compensation = 50% of monthly wage × relevant factor
or 1,20,000/- (whichever is more)

$$= 7500 \times 99.37 = 7,45,275/-$$

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(ii) IN CASE OF NON-FATAL ACCIDENT (Permanent Disability):

Amount of Compensation = 60% of monthly wage × relevant factor
or 1,40,000/- whichever is more)

$$= 9000 \times 99.37 = 8,94,330/-$$

C. Category - Minor (Age less than 16yrs.)

Monthly Income 15,000/- (Notional)

Relevant Factor-228.54 (For the purpose of calculation of compensation in
case of minor, highest relevant factor as prescribed for 16 yrs. of age is to be
considered as there is no relevant factor available under the age of 16 yrs.)

(i) IN CASE OF FATAL ACCIDENT:

Amount of Compensation = 50% of monthly wage × relevant factor
or 1,20,000/- (whichever is more)

$$= 7500 \times 228.54 = 17,14,050/-$$

(ii) IN CASE OF NON-FATAL ACCIDENT(Permanent Disability):

*Amount of Compensation = 60% of monthly wage × relevant factor
or 1,40,000/- (whichever is more)*

$$= 9000 \times 228.54 = 20,56,860/-"$$

A detailed procedure alongwith necessary documents required to be submitted has been provided in the above Office Order No.10, I.R.O. 676, Dated 08.12.2023.

Counsel for the parties are *ad-idem* that the petitions may be disposed of at this stage with liberty to the petitioners to approach the respondents-PSPCL for consideration of their claims for compensation in terms of the aforesaid policy.

Counsel for the respondents-PSPCL as well as the learned State Counsel have no objection to the sale. Accordingly, in view of the above policy and with consent of the parties and without commenting anything on the merits of the case(s), the present petitions are disposed of with a direction to the petitioner(s) to approach the respondent-Authorities for seeking compensation in terms of the aforesaid policy, alongwith necessary documents prescribed thereunder, if any.

In the event of the petitioners approaching the respondents- Authorities for seeking claim/compensation in terms of the aforesaid policy, the same shall be considered and decided expeditiously and preferably within the time frame stipulated in the policy. The due compensation, if any, shall also be released within the prescribed time period.

Petitions stand disposed of accordingly.

Photocopy of this order be placed on the files of other connected cases.

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