

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2148 of 2000

Date of Decision.28.01.2014

Smt. Krishana Devi and others

.....Appellant

Versus

Sobha Singh and others

.....Respondents

Present: Mr. Ashit Malik, Advocate
for the appellant.

Mr. Gourav Verma, AAG, Haryana
for respondent Nos.1 and 2.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

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K. KANNAN J.(ORAL)

1. The appeal is against the dismissal of petition for compensation for a death that occurred within the depot premises of the Haryana Roadways. The contention by the claimants was that when he was cleaning the window shield of the bus, yet another bus within the depot backing without minding the presence of the deceased, dashed against the vehicle crushing him in between. He was taken by the driver of the Haryana Roadways to the hospital where after a brief treatment he died. The immediate statement taken from the deceased was that he was crushed between two buses. The contention taken in the defence by the Haryana Roadways was that the accident did not involve crushing of the deceased between two buses but when he was cleaning the window shield, he fell down from the bus and had a grievous injury in his head which turned out to be fatal. Either as a

motor accident where the deceased crushed between two vehicles or as a death on fall, the Haryana Government must have still owned the responsibility for the death and must have adequately compensated. On the other hand, it has entered a conduct which is grossly against the morale of a model public employer. The Haryana Government would defend its action that no claim under the Motor Vehicles Act is possible. I would take the statement of the deceased immediately before his death and the manner in which the injury is recorded in MLR as sufficient to prove that it was a case of death by the use of motor vehicle and that he was entitled to be fully compensated for the act of driver of Haryana Roadways bus whose driving had crushed him to death.

2. As per Ex.P2 filed on record, he had been working on a scale of pay of ₹ 4000-6000 plus usual allowances. I have not the details of the allowances admissible and I will take ₹ 4,000/- per month as salary. I will provide for the prospect of future increase at 50% and take the salary to be ₹ 6,000/- per month. I will deduct 1/3rd for personal expenses and apply a multiplier of 14 to take the loss of dependence at ₹ 6,72,000/-. I will provide for ₹ 10,000/- for loss of consortium to the wife and ₹ 5,000/- for loss of love and affection to each one of the children. I will also provide for ₹ 5,000/- for loss to estate and ₹ 5,000/- for funeral expenses and assess the total compensation payable at ₹ 7,02,200/-. The amount awarded shall also attract interest @7.5% from the date of petition till the date of payment. The amount shall be distributed equally amongst all the claimants.

3. The State, in my view, has acted grossly in an unfair manner to the claimants and they have needlessly harassed the family by letting

them living a hard life when there ought to have been an assumption of liability and it must have acted with grace in the manner that the State must always do for acts of its employees. I, therefore, impose a costs of ₹ 25,000/- against the State for the irresponsible conduct that they have shown in the course of proceedings.

4. The appeal is allowed with costs as mentioned above.

(K. KANNAN)
JUDGE

January 28, 2014
Pankaj*