

**CWP-26366-2019****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****102****CWP-26366-2019****Date of Decision : January 14, 2025****SURJIT****-PETITIONER****V/S****STATE OF HARYANA AND OTHERS****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Arvinder Arora, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Piyush Bansal, Advocate
for the respondents.

*********KULDEEP TIWARI, J. (ORAL)**

1. The gravamen of the lis, as encapsulated in the instant writ petition, hinges upon the rejection of the petitioner's claim by the authority(ies) concerned for providing her financial assistance on account of her husband's demise in an accident occurred while working in his agriculture fields.

2. Through instituting the instant writ petition, the petitioner yearns for setting aside the orders dated 12.08.2016 and 26.06.2018, which are enclosed with the instant writ petition respectively as Annexures P-6 and P-8, and whereby, the petitioner's claim for providing financial assistance under "The Mukhya Mantri Kisan Evam Khetihar Majdoor Jivan Suraksha Yojna, 2013" (hereinafter referred to as the 'Scheme of 2013') has been

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declined by the authority(ies) concerned.

3. Before proceeding to delve into the factual matrix of the case at hand, it is deemed imperative to initially capture an overview of the Scheme of 2013.

4. The Scheme of 2013 was floated by the Government of Haryana and it was brought into force w.e.f. 01.01.2014. The scope of this Scheme is to provide special assistance to the victims of accidents occurred during agricultural operations in the fields, villagers, market yards and while going or coming from such places within the State of Haryana. Moreover, this Scheme is made applicable to farmers, agricultural labourers and market yard labourers carrying on the agricultural operations/pursuits including cattle and poultry farming or dairy farming.

5. The hereinafter extracted categories of incidents are covered under the Scheme of 2013:-

“(a) Death or disablement of any farmers or labourer due to an accident occurred while working on the agricultural machinery, implements, tools, equipments, appliances arising out of the above said implements in the State of Haryana.

b) Death or disablement of any farmer or labourer due to an accident occurred while digging well, installing tubewell or operating cane crusher, kohloo, chaff cutter, thresher etc.

c) Death or disablement of any farmer or labourer due to poisonous gas while digging or operating well, installing or operating tubewell.

d) Cases upto 31st December, 2013 shall be governed by the old scheme.

e) Death or disablement of any farmer or labourer due to electric current while carrying on any such agricultural operation.

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f) Death or disablement of any farmer or labourer to any accident with any animal, animal cart, truck or any other vehicle while carrying any agricultural produce within the State of Haryana.

g) Death or disablement of any farmer or labourer while applying insecticides, pesticides, weedicides, electric shock, fire hazards during the agricultural operations/pursuits within the State of Haryana.

h) Death or disablement of any farmer or labourer due to an accident while landing, sifting or weighting agricultural produce in Market Yards;

i) Death due to snake bite or other poisonous creatures during agricultural operations.”

On account of death, the claimants covered under the scope of the Scheme of 2013 are paid financial assistance to the tune of ₹ 5,00,000/-.

6. Now, insofar as factual matrix of the case at hand is concerned, the petitioner claims that, while working in his agriculture field on 02.11.2015, her husband Nirmal Kumar (hereinafter referred to as the ‘deceased’) was hit by a stray bull, whereupon, he was taken to Civil Hospital, Naraingarh, but, he was referred to the Government Hospital, Panchkula. The Government Hospital, Panchkula also referred the deceased to the Government Hospital, Sector 32, Chandigarh, where he was provided treatment as indoor patient for few days and then he was discharged. After discharge, the deceased was sent back to the Government Hospital, Naraingarh, for follow-up medical treatment, where also he remained an indoor patient for few days. However, when the condition of the deceased deteriorated, he was referred to the P.G.I.M.E.R. Chandigarh on 12.11.2015, but, for proper care and treatment, he was shifted to Alchemist Hospital, Sector 21, Panchkula. Unfortunately, while undertaking treatment at

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Alchemist Hospital, the demise of the deceased occurred on 15.11.2015.

7. Consequent upon the demise of the deceased, the petitioner made a claim under the Scheme of 2013, however, her application was dismissed by the authority concerned through drawing the impugned order dated 12.08.2016. Aggrieved by this dismissal order, the petitioner preferred thereagainst an appeal before the appellate authority concerned, however, the appeal also met the same fate, as it was also dismissed vide order dated 26.06.2018.

8. Fetching grievance from the impugned dismissal orders (supra), the petitioner is propelled to approach this Court by instituting the instant writ petition.

9. In his challenging the impugned orders, the learned counsel for the petitioner submits that, the claim of the petitioner has been rejected merely on account of non-availability of the post-mortem report of the deceased. To assail this reason, as penned down by the authority(ies) concerned in the impugned orders, he makes huge dependence upon the Certificate (Annexure P-5) issued by the Alchemist Hospital, to submit that, it has been clearly mentioned therein that, since the patient was suffering from multiple organ dysfunction syndrome, therefore, autopsy was deemed to be unnecessary. The relevant extract of Annexure P-5 is reproduced hereunder:-

“This is to certify that Mr. Nirmal Kumar, 61/Male, MR No.164620, had alleged H/o hit by a bull. Patient was previously treated at General Hospital, Sector 6, Panchkula and GMCH, Sector 32, Chandigarh before getting admitted to Alchemist

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Hospital. Patient was suffering from multiple organ dysfunction syndrome. In view of above, autopsy was deemed to be unnecessary.”

10. Furthermore, to substantiate his claim that the demise of the deceased occurred on account of him being hit by a stray bull, the learned counsel for the petitioner also placed reliance upon the Death Summary (Annexure R-2/7) of the deceased, as prepared by the Alchemist and placed on record by the respondent(s), inasmuch as, it has been clearly mentioned therein that the patient was hit by a bull on 02.11.2015 and consequently he died on account of further complications. The relevant portion of the Death Summary is reproduced hereinafter:-

“History Of Present Illness:

Patient was hit by a bull on 2-11-15 and was taken to a civil hospital in Naraingarh from there he was referred to General Hospital Sector-6 Panchkula from where he was referred to GMCH-32 and was discharged from there on 6-11-15. He remained asymptomatic and was kept in General Hospital Naraingarh where he was diagnosed to have ?jaundice/? increased creatinine and then was referred to PGI where he was investigated. He was then shifted to a private hospital in Yamunanagar where 2litres of ascitic fluid was drained. Then he was shifted to alchemist hospitals and was admitted here.

Course During Hospital Stay (Including Medications): Patient admitted with above mentioned complaints and was initially managed with Iv antacids, antiemetics, analgesics and other supportive treatment. He was shifted to ICU immediately. ABG was done which was suggestive of severe metabolic acidosis and was managed conservatively. Patient's lab investigations showed deranged RFT's, LFT's and coagulopathy. Patient was put on Bipap and was managed with 2 unit PRBC transfusion, FFP's transfusion, sodium bicarbonate, vitK and other supportive treatment. On

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15/11/15 patient had bradycardia and was immediately intubated and put on ventilatory support. Patient had sudden cardiac arrest and CPR was started as per ACLS guidelines. Despite all efforts patient did not revive and was declared dead at 9:13am.”

11. To further lend vigour to his claim (supra), the learned counsel for the petitioner also places reliance upon Annexure P-4, which is a report prepared by the S.H.O., P.S. Naraingarh, and wherein became verified that, the demise of the deceased occurred while undertaking treatment on account of him being hit by a stray bull.

12. Concluding his arguments, the learned counsel for the petitioner submits that, the purpose behind conducting post-mortem is to ascertain the cause of death, which in the instant case is very well established from the hereinabove referred to documents. Therefore, the authority(ies) concerned erred in ignoring the clinching evidence (supra) and drawing the impugned orders merely on the anvil of non-availability of the post-mortem report.

13. *Per contra*, the learned counsel representing the respondents vehemently opposes the arguments made by the learned counsel for the petitioner and submits that, the hereinafter extracted Clause 8(c) of the Scheme of 2013 makes it mandatory for the claimant to furnish a copy of daily diary report and post-mortem report in case of death, whereas, in the instant case, the said condition has not been fulfilled by the petitioner. Therefore, the petitioner’s claim has rightly been rejected.

“8. Procedure:

xx xx xx

(c) A copy of daily diary report and post-mortem report in case of

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death and disability certificate in case of disability shall be mandatory for submitting the claim.

xx xx xx”

14. This Court has heard the rival submissions made by the learned counsels for the contesting litigants and also made a studied survey of the record. For the reasons to be assigned hereinafter, this Court sets aside the impugned orders.

15. The Scheme of 2013, as floated by the Government of Haryana, is a benevolent scheme and interpretation thereof has to be such that the aim and object behind enactment thereof is achieved.

16. This Court has no hesitation to conclude that, the documents (supra), as relied upon by the learned counsel for the petitioner, makes vivid display that, the demise of the deceased had occurred on account of him being hit by a stray bull while working in his agriculture fields. Although the deceased was stated to be suffering from chronic liver disease(s), however, it does not disentitle the petitioner from claiming the financial assistance under the Scheme of 2013, especially when the deceased had died on account of injuries caused by a stray bull.

17. In summa, this Court is of the opinion that, the impugned orders do not pass the test of legality and require interference. Consequently, the impugned orders are set aside. The appellate authority concerned is directed to reconsider the matter, by taking into account all the documents (supra) relied upon before this Court, and thereupon, pass a well reasoned and speaking order on the petitioner's claim. This exercise shall be concluded within three months from today. Moreover, in case the petitioner



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is found entitled for financial assistance, the amount thereof shall be forthwith released to her.

18. Disposed of accordingly.

January 14, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No