

**STATE CONSUMER DISPUTES REDRESSAL COMMISSION,  
U.T., CHANDIGARH**

**(ADDITIONAL BENCH)**

<b>Appeal No.</b>	:	160 of 2024
Date of Institution	:	19.04.2024
Date of Decision	:	14.11.2024

Anchal Jain, R/O H. No. 484, Foothills Colony, IAS-IPS Society, New Chandigarh, District Mohali- 140901

...Appellant/complainant

**V e r s u s**

1. M/S Olive Greens Institute, Opposite Kala Gram, Adjoining BSNL Building, Manimajra, Chandigarh- 160010, through Managing Directors/ Directors/Authorised Signatory
2. Col. Ashokan (Founder/Director), Olive Greens Institute, Opposite, Kala Gram, Adjoining BSNL Building, Manimajra, Chandigarh- 160010
3. Col. Bharpur Singh Dhillon (Trainer/Instructor), Olive Greens Institute, Opposite Kala-Gram, Adjoining BSNL Building, Manimajra, Chandigarh- 160010.
4. Col. Anup Prakash Singh Sidhu (Trainer/Instructor), Olive Greens Institute, Opposite Kala Gram, Adjoining BSNL Building, Manimajra, Chandigarh- 160010.

....Respondents/opposite parties

**BEFORE: JUSTICE RAJ SHEKHAR ATTRI, PRESIDENT  
MR. RAJESH K. ARYA, MEMBER**

**Present:-** Sh.Ranjit Jain, Advocate for the appellant alongwith Ms.Anchal Jain, Appellant in person.  
None for the respondents.

**JUSTICE RAJ SHEKHAR ATTRI, PRESIDENT**

A brave daughter of the country dreamt to join the armed forces as an Officer and serve the nation but her dreams were shattered, when during a training/obstacle courses undertaken by the opposite parties, she suffered a fracture in her right ankle, just because of inadequate supervision, improper safety measures and insufficient training protocols.

2. The appellant/complainant has come up in this appeal for modification of the order dated 14/2/2024, passed by the District Consumer Disputes Redressal Commission-I, U.T., Chandigarh, whereby consumer complaint bearing no. 547/2020 filed by her was partly allowed as under:-

“...In view of the above discussion, the present consumer complaint partly succeeds and the same is accordingly partly allowed. OPs are directed as under:-

- i. to refund Rs.13,500/- with interest @9% P.A. from the date of filing the instant complaint till onwards.
- ii. to pay Rs.50,000/- to the complainant towards global compensation for causing mental agony and physical harassment to her;
- iii. to pay Rs.10,000/- to the complainant as costs of litigation.

This order be complied with by the OPs within 45 days from the date of receipt of its certified copy, failing which, they shall make the payment of the amounts mentioned at Sr.No.(i) & (ii) above, with interest @ 12% per annum from the date of this order, till realization, apart from compliance of direction at Sr.No.(iii) above.

**3.** The facts in brief are that the complainant at the age of 23 years had qualified for interview, qua Combined Defence Services (CDS) 2018. She was invited for the SSB Interview to be conducted from 28.11.2018 to 02.12.2018. In order to prepare herself well for physical test, she was allured by advertisements of the opposite parties. She joined the opposite parties as a trainee candidate on 21.09.2018 on making payment of Rs.13,500/- as full and final fees. Thereafter, she was taken to the training field for physical tasks. It was stated that initially some of the activities were performed by all the candidates including the complainant which were just running etc, but, when it came up for jumping from high board, having quite height, there were no arrangements for safe landing. The complainant was also instructed to jump over from such high level of board. Before jumping, the complainant requested the Instructor that the board is quite high and she has no basic training of jumping from such height, but to no avail. However, when she jumped from the height and landed on surface she suffered serious injuries on her right ankle. To her utter dismay, after suffering serious injuries, no proper care was taken of her because neither there was any ambulance at the spot nor any other vehicle to take her to the hospital. She was crying with pain. Thereafter, the security guard took her to the private hospital on a motorcycle by a person even without helmet, to provide her first aid, where X-ray of her right ankle was taken and it was found that there were multiple fractures. She was then taken to the Government Hospital, Sector 16, Chandigarh, where steel plates and nails were inserted in her fractured ankle. It was further stated by her in paras.8 to 13 of the complaint as under:-

*“.....8. That initially some of the activities were performed by all the candidates including the complainant which were just running etc, but, when it came up for jumping from high board, having quite*

height without making arrangement for safe landing and complainant was also instructed to jump over from such high level of board. Before jumping, the complainant again requested the Instructor that the board is quite high and she has no basic training of jumping from such height, but the attitude of instructors was very insensitive and rather insulting. So, in such compelling situation, complainant jumped as directed by the OP no. 3 and 4. As ground was not properly prepared nor the artificial cushioning was there, hence, when, complainant landed at the ground, it was quite hard, consequently complainant suffered accident and got multiple fractures in her right ankle. Complainant raised hue and cry regarding suffering of serious Injuries in her right ankle, but, OP No. 3 and 4 who were present there did not bother to give any medical first aid to the complainant nor tried to help the complainant. As the complainant was crying with acute pain and was at the verge of faintness, time and again complainant has requested that complainant be immediately taken for medical aid but of no avail. The complainant also requested OP no. 3 and 4 to provide immediate medical aid and complainant will pay the costs of medical expenses, but OPs again ignored and left the complainant in crying position. The attitude of OP No.3 and 4 was very callous and simply they have stated that they will take the complainant only after completion of outdoor training of all other candidates.

9. The complainant remained unattended and lying on the side of the ground while suffering with acute pain. None of the person/official of OP No.1 ever offered even a sip of water. It is the other candidates, who helped the complainant in coming under the tree and they offered water to complainant. They have also left the complainant unattended as Instructor has called all of them for further outdoor activities/training. The complainant remained at the ground for about 2/3 hours while suffering from acute pain and remained crying. Even, complainant has personally requested OP No.3 and 4 that complainant may be shifted to any Hospital in the car of OP No.3, whose car was parked there and complainant has also offered that complainant will pay the charges of the car, but of no avail. OP No.3 instead of helping the complainant stated in a taunting way that his personal car is not meant for this purpose, as such, there was no option with the complainant, but, to remain lying there on the ground and remained crying with acute pain.

10. That complainant got injured at about 10:00 am and remained there without any medical aid. After completion of whole of the training schedule till about 11:30 am, complainant was picked up by other candidates and put in the same bus which was used by OP's for transporting the candidates from the Institute to such outdoor training facility, for travelling back to the premises of OP No.1. It is pertinent to mention here that OP No.3 and 4 did not bother to send any helper/employee of OPs to the complainant who was seriously injured or provided any hospital vehicle and they just went in the car of OP No.3. In such a compelling circumstances, complainant travelled in the bus alongwith other candidates. As many hours passed without any medical aid, so there was great swelling on

right ankle and pain was further increased. The complainant further suffered acute pain while travelling in a bus, totally uncomfortable for patient, having multiple fractures in ankle but, there was no option available with the complainant, but to suffer acute pain and due to the callous and insensitive attitude of the OP No 3 and 4. Throughout the journey on the bus, complainant herself tried to hold her ankle whenever there were speed breakers and other bumps on the road causing further pains to complainant.

11. That after reaching the premises of OPs, when, complainant was just crying with pain, no medical aid was given in the premises of OPs, rather OPs and some other employees sent one Chowkidar-cum-Gate Keeper who brought his motorcycle for shifting the complainant to nearby Hospital & Diagnostic Centre at Manimajra. The complainant has requested both, OP No. 3 and 4 and their representatives that complainant be sent on some Four Wheeler of the OPs, but, they did not bother. The complainant again requested that complainant may be shifted to Hospital in her car which was parked there, but, even then, they ignored by saying that they cannot provide any driver who can drive the car of complainant for shifting her to a Hospital. Rather, the attitude of OPs and their representatives was that it is a simple injury and complainant can very well go on motorcycle of a stranger. The complainant has even requested and resisted that complainant be not sent with Chowkidar on his motorcycle being female, but, again they did not bother about the modesty of complainant. So, complainant was having no other alternative and under such compelling circumstances, complainant sat as pillion rider on the motorcycle of Chowkidar, as there was no other alternative in that situation. The OPs even did not bother to provide helmet to the complainant. On the way, complainant was at the verge of fainting while travelling as a pillion rider. With very great difficulty complainant kept her senses in control. The swelling/oedema further increased as leg of complainant was hanging while travelling on motorcycle which caused further pain. In such circumstances, Chowkidar-cum-Gate Keeper has brought the complainant in Chopra Hospital and Diagnostic Centre, Manimajra.

12. That from there Chowkidar-cum-Gate Keeper left the Hospital by leaving the complainant alone. X-ray was conducted regarding injuries of complainant and it was found that there were multiple fractures in the right ankle. None of the OPs ever bothered to depute staff member of OP No.1 for the help of complainant till her parents or her other relatives reached there. The complainant had called her father, who was posted at Hoshiarpur, who further called his friend named Shri Angrej Singh Dhindsa, Advocate, Punjab & Haryana High Court, Chandigarh, who reached the Hospital along with his friend for the help of the complainant.

13. That said Sh. Angrej Singh Dhindsa when came to know that complainant had got multiple fractures and there is immediate need of proper treatment consequently complainant was brought from that Hospital to the Government Multi Speciality Hospital, Sector-16,

*Chandigarh in his own car, where, complainant was immediately admitted by the hospital authorities keeping in view seriousness of injuries. Thereafter, parents of complainant reached ....”*

She served notice upon the opposite parties to compensate her in the matter and when nothing positive came out, she filed the consumer complaint before the District Commission

**4.** The complaint was contested by the opposite parties and they filed written reply wherein while admitting the factual matrix of the case stated that the complainant before joining training had verified and satisfied herself about the expected parameters like reputation, infrastructure, medical and training facilities, study/training material and quality of instructors and instructional staff of the Institute paid the fee. Training capsule of two weeks of the batch was started on 17-09-2018 and it was terminated on 29-09-2018. In the training capsule there were indoor training classes as well as outdoor. Scheduled out-door training ground activities were not declared by OP No 2 to 4 and rather were pre- planned and intimated to everyone. It was not the first exposure of the complainant to the out-door training ground activities, as she had already participated in 'Progressive Group Task' where candidate trainees were progressively introduced to less strenuous group activity on a previous day of training. The outdoor training consists of Group Obstacle Race and Individual Obstacle Tasks. Before the start of the Individual Obstacle Tasks, sub-groups are brought in front of the obstacles /tasks one after the other, briefed, explained, demonstrated and thereafter candidates are made to do the same under supervision, one by one, and then opportunity is given to do voluntary practice. It was not that jumping board was quite high for the complainant and not so high for others. She was not forced to climb up or jump down by anyone. Ground was prepared, the earth was loosened and mattresses were also put in place. It was stated that the complainant complained of acute pain and as such was moved to the rest area with two other woman trainees, where she was given first aid, anti-pain spray was applied and her ankle was properly bandaged. She was also given a Brufen tablet by OP No 4, with her consent to prevent any pain. This procedure took about fifteen minutes. The practice session of other candidates was wrapped up quickly and the complainant girl was moved to the waiting bus and admitted to hospital and X-ray was done.

**5.** In the rejoinder filed, all the averments made by the complainant in her complaint were reiterated.

**6.** The contesting parties led evidence in support of their case.

**7.** The District Commission after hearing the contesting parties and on going through the documents on record, partly allowed the complaint in

the manner stated above. Hence this appeal has been filed by the appellant/complainant.

**8.** On the date of arguments, none put in appearance on behalf of the respondents. Accordingly, we have heard counsel for the appellant alongwith appellant in person and scanned the material available on the record, including written arguments.

**9.** In the case in hand, the following question emerges for determination before this Commission:-

- i. Whether, the opposite parties have been registered in India and competent to impart physical training to the candidates, appearing for armed forces?
- ii. Whether the appellant had joined the training programme of the respondents?
- iii. Whether the appellant had suffered multiple fractures in her right ankle due to any deficiency in service and negligence on the part of the respondents, while imparting training to her?
- iv. Whether the relief awarded by the District Commission is fair and adequate and if not, to what extent of relief, she is entitled to?

**10.** First coming to the question as to whether the opposite parties have been registered in India and competent to impart physical training to the candidates, appearing for armed forces? It may be stated here that the respondents have failed to place on record any cogent and convincing evidence to prove that they have got registration with any Indian Authority. The syllabus or training programme chalked out by them is not prescribed by any authority of India. They have placed on record their letter head pad, where it is mentioned that they have been registered by the Australian Authorities but no certificate has been issued by the said Australian Authorities, based upon which, they could run their training programmes in India. Apart from it, it is not clear, as to whether, the said Australians Authorities have been recognized by the Indian Government for imparting such training. We are therefore of the considered view that the respondents have been imparting training aforesaid without any authorization by the Government of India or competent authority.

**11.** The next question that needs to be decided is as to whether the appellant had joined the training programme of the respondents? It may be stated here that the appellant in her complaint has clearly claimed that she joined the training programme of the respondents in September 2018, whereafter, she was made to perform high risk tasks etc. during training. The

said version of the complainant is supported by her affidavit. At the same time, the respondents has also not denied this fact and rather they have admitted in para no.5 of the written reply as under:-

5.....Training capsule of two weeks of the batch, including the complainant started on 17.09.2018 and terminated on 29.09.2018. As has been brought out above that in the training capsule there were indoor training classes as well as outdoor....”

**12.** Now coming to the question as to whether, the appellant had suffered multiple fractures in her right ankle due any deficiency in service, rash training and negligence on the part of the respondents, while imparting training to her? It may be stated here that the respondents in their reply have themselves admitted in a very candid manner that they experience cases of fractures and grievous injuries every year, while imparting training to the candidates. This admission strongly suggests that the respondents have not undertaken sufficient measures to mitigate the risks inherent in their training programs. The respondent’s acknowledgment of such recurrent injuries raises serious questions about the adequacy of their training procedures. A responsible training institution is expected to review its training methodologies regularly and implement changes when patterns of injury emerge. However, the respondents have not demonstrated that they have taken substantial steps to reduce these risks or modify its approach to training, thus failing to provide a safe environment for the candidates. Thus, it can easily be said that, year after year, candidates career are being jeopardized, yet the respondents appear unwilling or unable to take meaningful corrective action to improve their training methodology. This raises serious concerns about their commitment to the candidates’ safety and professional responsibility.

Apart from it, the appellant has placed on record pen drive, which has been also displayed before us, at the time of arguments, wherein, it was seen that that the candidates practicing are being instructed by the staff of the appellants to jump from various heights onto hard surfaces. Notably, no mattresses or soft materials, such as soil, have been provided on the landing areas where the candidates/trainees land after making the jumps. During the course of proceedings, the appellant has placed on record her X-ray film (two leaves), wherefrom it is visible that surgical steel plates and nails have been put in the right fractured ankle of the appellant, by the doctors of the Government Hospital, Sector 16, Chandigarh, which fact is also evident from the discharge summary dated 28.09.2018, Annexure C-6, issued by the said hospital. It is also coming out from the record that thereafter, the appellant approached the respondents and whats-app messages were also exchanged between the parties, wherein, the respondents have extended sorry for non providing of immediate treatment to her and it was also assured that they will

take appropriate action upon investigation but no action taken report has been placed on record by the respondents. Thus, under these circumstances, it can easily be said that due to the negligent, unsafe conditions, rash training given by the respondents, the appellant suffered the said severe injuries, which have led to a permanent impairment of her career aspirations and physical health and the said act amounts to negligence and deficiency in providing service, in the part of the respondents.

**13.** Now the last question which falls for consideration is, as to whether the relief awarded by the District Commission is fair and adequate and if not, to what extent of relief, she is entitled to? It may be stated here that the appellant has sufficiently established that the injuries sustained to her were a direct result of the inadequate training practices employed by the respondents. The respondents' failure to take corrective action despite being aware of the ongoing issue shows a disregard for the safety and well-being of the students, thereby breaching its duty of care. The appellant has been deprived of the opportunity to pursue a career in the military, a path for which she had been preparing for a significant period. The failure of the respondents to ensure proper safety standards and care during the training exercises directly contributed to the student's injury and the subsequent loss of her career prospects. Moreover, the respondents failed to provide any emergency medical assistance or even basic first aid services to the appellant, at the required hours. The absence of medical staff, first aid facilities, even a stretcher and a quick-response emergency plan is indicative of gross negligence. She was left to endure excruciating pain for several hours before being taken to the hospital, and disturbingly, she was transported on a motorcycle with a stranger—an experience that undoubtedly exacerbated her suffering. Given the circumstances, it was only appropriate that a female staff member should have accompanied her to ensure both her physical and emotional well-being during such a distressing ordeal. The failure to provide timely medical intervention, forcing the plaintiff to be transported on a motorcycle instead of an ambulance, with profuse bleeding, delayed the necessary medical care and contributed to the severity of the injury. The appellant's injury has had devastating consequences on her future. As a young individual aspiring to join the armed forces, her right ankle fractures, which resulted into insertion of plates and nails therein, have not only caused physical disability but have also obliterated her prospects of serving in the armed forces or pursuing any physically demanding career. The loss of this opportunity, coupled with the pain and suffering endured, warrants fair and adequate compensation.

Apart from it, even the parents of the appellant also have definitely suffered emotional distress due to the nature and severity of their daughter's injuries, and have experienced significant emotional suffering, including



anxiety, sleeplessness, and depression. While it is clear that the injury to the daughter was physically significant, the parents' emotional distress also rose to a level that warrants adequate compensation.

**14.** In this view of the matter, it is held that the compensation to the tune of Rs.50,000/- awarded by the District Commission on this count, is on the very lower side and the same needs to be enhanced.

**15.** For the reasons recorded above, this appeal stands partly allowed. The order impugned passed by the District Commission is modified and the respondents/opposite parties, jointly and severally are directed as under:-

- i. to refund to the appellant/complainant the amount of Rs.13,500/- paid by her as fee towards the said training, alongwith interest @9% p.a. from the date of filing of consumer complaint before the District Commission, within a period of 30 days from the date of receipt of a certified copy of this order, failing which, thereafter this amount shall entail penal interest @12% p.a. from the date of default till realization.
- ii. to pay to the appellant/complainant an amount of Rs.5 lacs, as compensation on account of emotional distress including anxiety, sleeplessness, and depression suffered by her parents due to the nature and severity of injuries caused to their daughter.
- iii. to pay to the appellant/complainant an amount of Rs.20 lacs, as compensation for her physical injuries, medical expenses, and loss of future career prospects.
- iv. to reimburse to the appellant/complainant all medical expenses incurred by her due to the injury, including future medical treatment if necessary
- v. to pay to the appellant/complainant cost of litigation to the tune of Rs.50,000/-.
- vi. The directions given at sr.no.(ii) to (v) above shall be complied with, by the respondents/opposite parties, within a period of 30 days from the date of receipt of a certified copy of this order, failing which the entire awarded amounts at sr.no.(ii) to (v) shall entail interest @9% p.a. from the date of default till realization.

**16.** The amounts awarded above will have the first charge on the properties of the opposite parties/respondents.

**17.** All the pending application(s), if any, stand disposed of, accordingly.

**18.** Certified copies of this order be sent to the parties, free of charge, forthwith.

**19.** The concerned file be consigned to Record Room, after completion and the record of the District Commission-I, U.T, Chandigarh, after annexing the additional documents, if any, submitted before this Commission in this appeal, be sent back immediately.

**Pronounced**  
**14.11.2024**

**Sd/-**  
**[JUSTICE RAJ SHEKHAR ATTRI]**  
**PRESIDENT**

**Sd/-**  
**(RAJESH K. ARYA)**  
**MEMBER**

**Rg.**

