

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WA No.36 of 2024

The State of Manipur represented by the Principal
Secretary/Commissioner/Secretary(Power), Government of
Manipur, Imphal & Anr.

Appellants

-Vs.-

Shri Moirangthem Indrakumar Singh, aged about 36 years,
S/o M. Uttam Singh of Leimaram Awang Leikai, Bishnupur,
Manipur.

Respondent

With

WA No.16 of 2024

With

MC(WA)No.36 of 2024

With

MC(WA)No.70 of 2024

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

**ORDER
(Oral)**

09.04.2025

D. Krishnakumar, C.J. :

[1] Mr. S. Nepolean, learned Senior GA for the appellants and Mr.
S. Abung, learned counsel, appearing for the respondent.

[2] The instant writ appeal in WA No.36 of 2024 has been filed
against the judgment & order dated 03.05.2018 passed in WP(C)No.365 of

2017 and WA No.16 of 2024 has been filed against the judgement & order dated 25.04.2023 passed in Review petition No.12 of 2022.

[3] According to the appellants, the respondent herein has filed writ petition in WP(C)No.365 of 2017 for payment of Rs. 30,00,000/-(Rupees thirty Lakhs) as compensation due to electrocution and as a result of which he has suffered 70% disability leading to amputation of his right arm due to the aforesaid electrocution.

[4] According to the respondent/writ petitioner, after having completed his diploma and degree courses in Electrical Engineering, joined his service as an engineer in various reputed companies. At the relevant time when the incident took place, he was serving as an Engineer in the Linequest Telecom Ltd. vide order dated 10.11.2014 issued by it with a pay of Rs. 24,000/-(Rupees twenty four thousand) per month which was to be increased from time to time. The respondent/writ petitioner stated that when he was on duty at State Bank of India, Tuibong Churachandpur for installation of a Monopole, attached ODU to it, on the roof top of the SBI building which was to be connected with one IDU in the server room of the bank. While the respondent/writ petitioner has undertaken the aforesaid work in the roof top, he got electric shock from the HT power line on his neck and fell down on the ground unconsciously and he was taken for treatment at Raj Medicity, Imphal on 14.06.2016 and subsequently, he was taken to the Down Town Hospital at Guwahati on 02.07.2016 for further treatment where his right arm below the ankle was amputated in order to save his life. According to the respondent herein, further states that due to the aforesaid electrocution and amputation

of his right arm, he has lost his job and he could not get any job in any other departments or in private companies. Therefore, he has filed the writ petition for payment of compensation of Rs. 30,00,000/-(Rupees thirty Lakhs).

[5] The appellants have not filed counter affidavit in the writ petition but filed written argument and therefore, the writ court has considered the written argument filed by the appellant herein by holding that the appellants have not seriously disputed the negligence as alleged by the respondent/writ petitioner. Thus, the writ court has come to the conclusion that in view of the failure of filing the counter affidavit before the writ court as well as negligence on the part of the appellants herein, the writ court has passed the order for payment of compensation to the respondent herein.

[6] Though the appellants have raised the question of maintainability of the writ petition before the writ court but the writ court rejected the claim of the appellant/respondent by relying upon the decisions of the Hon'ble Supreme in *Chairman, Grid Corporation of Orissa Ltd. & ors Vs. Smt. Sukamani Das*(1999), 7 SCC 298 and also other decisions reported in *SDO, Grid Corporation of Orissa Ltd. Vs. Timudu Oram*,(2005) 6 SCC 156 discussed that regarding the disputed facts, that will go only before the appropriate civil court seeking for compensation. However, the writ court has considered on the facts of this case that when the respondents/appellants have not seriously disputed the fact of negligence and therefore, the writ court has considered it appropriate for passing an order for compensation to the respondent herein by relying upon the various decisions of the Hon'ble Supreme Court in *Nilabati Behera(Smt) Alias Lalita Behera Vs. State of Orissa*

& ors, (1993) 2 SCC 746; M.C. Mehta & anr. Vs. Union of India & ors.,(1987) 1 SCC 395 & MP Electricity Board Vs. Shail Kumari & ors.(2002) etc.

[7] According to the appellants, the Government has passed an order stating that an ex-gratia amount is to be a sum of Rs. 2,00,000/-(two lakh) only and therefore, any other point is concerned, writ petition is not maintainable and the remedy is only before the civil court. The learned counsel appearing for the respondent has strongly objected the said contention of the appellants.

[8] Further, according to the respondent, the appellants have not filed any counter affidavit before the writ court and accepted the averments of the respondent/writ petitioner that the negligence on the part of the appellants department, the writ court has come to the said conclusion and now the appellants cannot take the stand that the said writ petition is not maintainable for payment of compensation to the respondent herein as he has already suffered 70% disability due to the aforesaid electrocution and therefore he seeks for dismissal of the present writ appeal.

[9] We have heard the arguments of the parties and perused the material available on record.

[10] Mr. S. Nepolean, learned Sr. Government Advocate has submitted that the appeal has been filed by raising the grounds that the writ petition filed by the respondent herein is not maintainable that the disputed fact is to be decided before the appropriate forum/civil court and the writ court without considering the objection of the appellants and allowing the writ petition which is unsustainable in law. Further, the compensation has been

paid to the respondent herein and on this aspect, the aforesaid appeal has been preferred by the appellants before this Court. According to them, the negligence is on the part of the respondent/writ petitioner where he has climbed on the roof top of the SBI building and undertaken the work for the aforesaid of the privately owned telecommunication company and therefore, the order of the writ court is liable to be set aside.

[11] Ms. S. Abung, learned counsel appearing for the respondent has submitted that the appellants have not filed counter affidavit before the writ court making objection of such maintainability on the ground of negligence on the part of the respondent herein. When the appellant department has not disputed the said facts, the writ court has also come to a right conclusion that the negligence has not been seriously disputed by the appellant department. On this circumstances, we are of the view that when the appellant department has misused the opportunity of filing counter affidavit before the writ court by disputing the aforesaid negligence and therefore, we cannot interfere with the findings of the learned Single Judge.

[12] According to the appellants, the payment of compensation of Rs. 10(ten) lakhs is excessive without any basis. He also stated that while the writ appeal is pending before this Court, contempt petition has been filed by the respondent herein and in compliance of the said contempt petition, the appellants have deposited 10(ten) lakhs before the Registry and the said amount has been withdrawn by the respondent herein.

[13] Considering the facts that the appellants have admitted that there is negligence on their part and further considering the fact that the

respondent herein is an Engineer in the Linequest Telecom Ltd. with a mere pay of Rs.24,000/- per month and his future is also ruined due to the aforesaid electrocution. On this aspect we have not strictly gone into to the case of *Sarla Verma & Ors. Vs. Delhi Transport Corporation & anr* for calculating matter for awarding compensation amount but taking into consideration that reasonable amount has been paid to the respondent herein for the aforesaid electrocution and treatment also taken at Imphal as well as at Guwahati. The relevant documents regarding the medical expenses are also placed before the writ court. This aspect was carefully taken into consideration by the writ court and awarded the compensation amount to the respondent herein. We are of the view that since the compensation amount awarded by the writ court has already been withdrawn by the respondent herein and at this juncture, we are not inclined to interfere with the order of the writ court.

[14] In view of the above, the instant writ appeals are dismissed and consequently, misc. cases are also closed. It is made clear that the order of writ court and the instant writ appeal will not be cited as precedent in future.

JUDGE

CHIEF JUSTICE

John Kom