

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

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W.P.No.34762 OF 2014

Between:

Assistant Divisional Engineer, Operation,
APEPDCL/Gopalapatnam,
Visakhapatnam District

....Petitioner

A n d

Institution of Lokaykta for
the State of Andhra Pradesh and Telangana,
5-9-49, Basheerbagh, Hyderabad
and another

....Respondents

DATE OF JUDGMENT PRONOUNCED: 13.08.2015

SUBMITTED FOR APPROVAL:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

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W.P.No.34762 OF 2014

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PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard learned Standing Counsel Sri M.Ravinder for the petitioner and Sri Y.Ravinder for 1st respondent and in spite of service of notice, none appears for the 2nd respondent.

The petitioner prays for Writ of Certiorari calling for records pertaining to and inclusive of the order dated 02.08.2014 in Complaint No.4885/2013/B1 before the 1st respondent and quash the same as illegal and without jurisdiction.

The circumstances of the case are peculiar and the 2nd respondent invoked the authority of 1st respondent for payment of compensation for the demise of her husband due to electrocution. The 1st respondent, after preliminary enquiry and consideration of the reply of writ petitioner, passed the following order:

“While there is no information from the Collector, Viskhapatnam, the Chairman & Managing Director of APEPDCL, Visakhapatnam has sent the report dt.29.3.2014, stating that Mr.Goru Yerraiah died because of the electrocution due to inferior quality of electric wire run from the meter board to the next room through GI pipe in house while trying to place the wet clothes on the GI wire and as such the department is not having any liability. But the aforesaid public servant has not adverted to the fact that what is announced by the Government is ex gratia and not the compensation and for ex gratia, question of fault of the department or otherwise does not arise and suffice it to prove that person died due to electrocution and in this case there is no dispute with regard to the death of Mr.Goru Yerraiah because of electrocution and does not matter whether the electrocution has occurred in the house or outside the same. In similar matters, when such a plea was taken, this Institution had already disposed of several matters basing upon the judgment of the A.P. High Court dt.29.7.2010 in W.P.No.511/2006, stating that payment of ex gratia amount is no way concerned with the responsibility or otherwise of the Power Distribution Companies and the very fact that the death is due to electrocution is sufficient to claim the ex gratia amount of

Rs.1.00 lakh without fastening the act of negligence either on the person died or on the Power Distribution Companies and regardless of the negligence of the person died due to electrocution, the concerned Power Distribution Company is liable to pay the ex gratia amount of Rs.1.00 lakh. The aforesaid judgment of A.P.High Court was followed by all the Power Distribution Companies in the State of Andhra Pradesh.

In the circumstances, the Chairman & Managing Director of APEPDCL, Visakhapatnam is directed to pay ex gratia amount of Rs.1.00 lakh to the complainant and file his compliance report before this Institution, by 12.11.2014.”

The petitioner challenges the instant findings more on the question of jurisdiction of 1st respondent than on the tenability of these findings. The petitioner invokes the jurisdiction of this Court under Article 226 of the Constitution of India for appropriate reliefs. At the time of hearing, having regard to a few difficulties the petitioner has in answering the circumstances pointed out by the Court, the learned Standing Counsel fairly states that the petitioner is worried about the instant order being treated as a precedent in cases of electrocution resulting in death or injury to person and that the regulations in vogue are not noticed by the 1st respondent while awarding compensation. We are satisfied that the writ petition can be disposed of by the following order:

“This Court, having regard to the submissions made by the learned counsel for the petitioner, peculiar facts of the case and to meet the ends of justice, permits the petitioner to pay the compensation as directed by the 1st respondent by demand draft drawn in favour of 2nd respondent within eight weeks from today. On the question of jurisdiction and applicable regulations, it is held that issues of jurisdiction and regulations are kept open. The order dated 02.08.2014 in Complaint No.4885/2013/B1 or the disposal of this writ petition shall not be treated as expressing any view on the jurisdiction of 1st respondent to consider claims of electrocution and the defences available to the petitioner. Upon payment of amount, as permitted by this Court, a copy of acknowledgement be forwarded to the 1st respondent for record”.

Writ petition is disposed of. No costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J

Date: 13.08.2015

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