

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No. 43772 of 2016
and W.M.P.No.37511 of 2016

R. Anjalam

... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai.

2. The Superintending Engineer,
TANGEDCO,
Salem.

... Respondents

Prayer:- Writ petition is filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus, calling for the records of the 2nd respondent in his proceedings in க.எண்.161/நிபி3/உ.1/கோ.இழப்பீடு/2014 நாள் 07.07.2014 and quash the same and thereby direct the respondents to pay compensation for the petitioner for the death of the husband of the petitioner while he was in service in accordance with law.

For Petitioner : Mr. N. Suresh

For Respondents : Mr.P. R. Dhilipkumar

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ORDER

Challenging the order of the second respondent dated 07.07.2014 and to direct the respondents to pay compensation to the petitioner for the death of her husband, while he was in service, the present writ petition has been filed.

2. The petitioner is the wife of one Rajamanickam, who admittedly died in harness. Incidentally, he died due to electric shock while he was executing the Board work on 20.06.2008, which factum is not in dispute, as seen from paragraph 4 of the counter affidavit filed. It appears that the petitioner has been given appointment on compassionate ground as Office Helper. The petitioner made a claim on 30.05.2014 seeking compensation for the death of her husband. The request was turned down on the sole ground that as per the Board's memo dated 09.12.1985, such a request has to be made within a period of two years from the date of accident.

3. Learned counsel appearing for the petitioner would submit that the petitioner being an illiterate was not aware of the said proceedings. The fact that she has been given compassionate appointment will not dis-entitle her to get compensation for the death of her husband.

4. Learned counsel appearing for the respondents would submit that as per the memo, the order impugned has been passed. The petitioner has not putforth the factum of employment given to her in the affidavit filed and hence, no interference is required.

5. The memo dated 09.12.1985 is only for the convenience of the respondents. The petitioner, being an illiterate lady, is not expected to know the said memo. In any case, that memo will not take away the right of the petitioner to seek just compensation. Compassionate appointment was given to the petitioner not in lieu of compensation but as per the procedure that is being followed. The facts are not in dispute. Admittedly, the husband of the petitioner died during the course of his employment. Therefore, the only question for consideration is the quantum.

6. The husband of the petitioner died in the year 2008. The petitioner has made a representation only in the year 2014. Though the question of delay and laches is not one of law but that of practice and prudence, considering the facts of the case, particularly the fact that the petitioner is an illiterate widow, this Court is inclined to award a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in favour of the petitioner, payable by the respondents within a period of eight weeks from the date of receipt of a copy of this order. For the remaining amount, if any, liberty is given to the petitioner to approach the jurisdictional forum, if so advised, in which case, this order

will not stand as a bar for the decision on merits, since it is only an interim measure.

7. With the above observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai.

2. The Superintending Engineer,
TANGEDCO,
Salem.

+1cc to Mr. N. Suresh, Advocate, S.R.No.40129

W.P.No.43772 of 2016

CS/19/06/17

सत्यमेव जयते

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