

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.06.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16713 of 2014

and

M.P.No.1 of 2014

Tmt.A.Ellammal

..Petitioner

vs

- 1.The Government of Tamil Nadu
Represented by its Secretary
Electricity Department,
Fort St.George, Chennai - 600 009.
- 2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited
(formerly known as Tamil Nadu Electricity Board)
144, Anna Salai, Chennai - 600 002.
- 3.The Chief Engineer,
Chennai Electricity Distribution Circle/South
TANGEDCO (formerly TNEB)
144, Anna Salai, Chennai - 600 002.
- 4.The Superintending Engineer,
Chengalpattu Electricity Distribution Circle
TANGEDCO (formerly TNEB)
130, GST Road,
Opposite to New Bus Stand
Chengalpattu - 603 001.
- 5.The Executive Engineer,
O & M/Poonamallee
33/11, KV Poonamallee Complex,
Avadi Road, Senneerkuppam
Chennai - 600 056.

6.The Assistant Engineer,
O & M/Poonamallee
33/11 KV Poonamallee Complex
Avadi Road, Senneerkuppam
Chennai - 600 056.

7.The Junior Engineer,
O & M/Poonamallee
33/11, KV Poonamallee Complex,
Avadi Road, Senneerkuppam
Chennai - 600 056.

(R3 to R7 are impleaded as per order dated
19.06.2018 in M.P.No.2 of 2014 in
W.P.No.16713 of 2014)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to pay a sum of Rs.5,00,000/- to the petitioner herein as compensation for the death of her husband due to the negligence act of employees of the 2nd Respondent under vicarious liability based on her legal notice dated 20.06.2014.

For Petitioner : Mr.S.Kumaradevan
For Respondents : M/s.A.Srijayanthi, Spl GP for R1
Mr.S.K.Raameshwar for R2 to R7

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to pay a sum of Rs.5,00,000/- to the petitioner as compensation for the death of her husband due to the negligence act of employees of the 2nd Respondent under vicarious liability based on her legal notice dated 20.06.2014.

2.The husband of the writ petitioner passed away on account of the elocution. The accident took place at the instance of the employees of the Electricity Board is the allegation raised in this writ petition. However, the learned counsel for the respondents denies the same.

3.May that it be. Now, the petitioner filed an additional affidavit, stating that the petitioner is ready and willing to accept the compensation amount of Rs.2,00,000/- (Rupees Two Lakhs Only) already fixed by the respondent Board and Paragraph 3 of the additional affidavit filed by the writ petitioner is extracted hereunder:

"3.I State that I filed the above Writ Petition by praying to issue a Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ directing the Respondents to pay a sum of Rs.5,00,000/- to me as compensation for the death of my husband due to the negligence act of employees of the 2nd Respondent under vicarious liability based on my legal notice dated 20.06.2014. The Respondent by its Board Proceedings decided to give compensation only Rs.2,00,000/- for the fatal accident of senior citizen. It is pertinent to note that my husband was the sole bread winner of my family. After his sudden demise, now I am under the guardianship of my two daughters, who are keeping me for six months each. I have no source of income. I am ready to accept the said amount along with interest. And I pray this Hon'ble Court to direct the Respondent to pay the said compensation amount of Rs.2,00,000/- with interest at the nominal rate as fixed by this Hon'ble Court from the date of my legal notice, till the date of realization."

4.In view of the fact that the relief sought for in the main writ petition is now confined to the extent of accepting the compensation of Rs.2,00,000/-(Rupees Two Lakhs only) as fixed by the respondent Board in its Board proceedings, this Court is inclined to consider the relief now restricted by the writ petitioner through the additional affidavit filed.

5.Accordingly, the respondents are directed to settle the compensation amount of Rs.2,00,000/- along with the interest at the rate of 6% per annum within a period of four weeks from the date of receipt of a copy of this order. The interest to be calculated from the date of death of the husband of the writ petitioner i.e., 31.12.2011. The writ petitioner is also directed to give proper acknowledgment for the receipt of the compensation amount to the respondent Board.

6.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

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33/11, KV Poonamallee Complex,
Avadi Road, Senneerkuppam
Chennai - 600 056.

+1cc to the Government Pleader, S.R.No. 38689
+1cc to Mr.S.K.RAMESHUWAR, Advocate, S.R.No.38383
+1cc to Mr.S.KUMARADEVAN, Advocate, S.R.No.38362

W.P.No.16713 of 2014

KK(CO)
TR(04/07/2018)