



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.5415 of 2020

and

W.M.P. (MD)No.4477 of 2020

1.Kala

2.Minor Praveena

3.Minor. Naveenraj ... Petitioners
(rep by through Mother/Guardian
1st Petitioner)

Vs.

1. The Chairman
TANGEDCO,
144, Annasalai,
N.P.K.R.R.Palace, 10th Floor,
Chennai 600002.

2. Vijayalakshmi ... Respondents
R2 is *suo motu* impleaded
vide Court order dated 21.08.2020 in W.P(MD).5415/2020

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to pay compensation to a tune of Rs.50,00,000 (Rupees Fifty Lakhs only) for the death of first petitioner's husband namely Kanagaraj worked as Mazdoor in the respondent office who died due to electrocution on 02.09.2015 at Kalayarkovil, Sivagangai District within the time frame fixed by this Court.

For Petitioner	: Mr.RM.Arun Swaminathan
For R1	: Mrs.S.Srimathy for Mr.S.M.Johny Basha
For R2	: Mr.S.Ramesh Babu

O R D E R

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for TANGEDCO and the learned counsel appearing for the second respondent.



2.Thiru.Kanagaraj is the husband of the first petitioner and the father of the second and third petitioners. He was working as Mazdoor in TANGEDCO. The said Kanagaraj was working at Sivagangai. On the occurrence date, Kanagaraj had come down to his native place namely Kalaiyarkoil. It is stated that there was a breakdown of electricity supply and at the instance of the local EB officials, the said Kanagaraj had attempted to do some repair work. In the process, he suffered electrocution and died. In this regard, Crime No.375 of 2015 was registered on the file of the local police station.

3.The first petitioner seeks compensation for demise of her husband due to electrocution. The prayer of the writ petitioner is strongly opposed by the learned standing counsel principally on the ground that Kanagaraj had voluntarily courted his death. It is not as if when kanagaraj was walking on the ground, he stepped on a live wire and died. On the other hand, Kanagaraj had climbed on EB lamppost, while attempting to do some repair works, he suffered electrocution. She pointed out that though Kanagaraj might be a mazdoor working in TANGEDCO, his place of work was at Sivagangai not Kalaiyarkoil. Therefore, the learned standing counsel pointed out that TANGEDCO cannot be made liable for the occurrence.

4.The submission made by the learned standing counsel appears to be persuasive. But the fact remains that Kanagaraj died due to electrocution. The board had issued proceedings providing for payment of ex-gratia amount for such occurrences on compassionate grounds. In other words, if TANGEDCO is not at fault, still some amount of compensation is paid to the victims. During the relevant time, the amount payable was Rs.2,00,000/-.

5.I am of the view that the said amount can be directed to be disbursed in the present case also. But then, the petitioners cannot claim the entire compensation amount. The second respondent is the mother of the deceased Kanagaraj. She is also one of the legal heirs. In the case on hand, there are totally four legal heirs namely mother of the deceased, wife of the deceased and the two minor children of the deceased. I, therefore, direct the Superintendent Engineer, TANGEDCO, Sivagangai, to disburse a sum of Rs.2,00,000 in this regard. The said authority will take a demand draft for a sum of Rs.50,000/- favouring the second respondent and arrange to hand over the same to the second respondent. A sum of Rs.75,000/- will be drawn in the name of the first petitioner Kala and paid to her. A fixed deposit for a sum of Rs.75,000/- will be created in the joint names of the minor children namely Praveena and Naveenraj. After both of them attain majority, the same can be withdrawn by them in equal share. The entire exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.



6. The Writ Petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Chairman
TANGEDCO,
144, Annasalai,
N.P.K.R.R.Palace, 10th Floor,
Chennai 600002.
- 2.The Superintendent Engineer,
TANGEDCO, Sivagangai.

W.P. (MD)No.5415 of 2020
11.09.2020

SCR(CO)
CS(23.09.2020) 3P 3C