



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.23771 of 2018

and

W.M.P. (MD)No.21527 of 2018

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G.Selvarani

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited,
Rep. by its Chairman,
No.144, Annasalai,
Chennai - 2.

2.The District Collector,
Office of the District Collectorate,
Sivagangai,
Sivagangai District.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Sivagangai District.

4.Mrs.Sharmila Rani,
Assistant Engineer,
TANGEDCO,
Thiruppachethi Division,
Manamadurai,
Sivagangai District.

5.Mr.Dhandapani,
Wireman,
TANGEDCO,
T.Parayankulam,
Thirupuvanam Taluk,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to provide compensation to the tune of Rs.15 Lakhs to the petitioner for the death of petitioner's husband due to electrocution within the time period stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mrs.S.Srimathy,
Special Government Pleader for R2
Mrs.M.Rajeswari,
For Mr.S.M.S.Johnny Basha for R1,
R3 to R5

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O R D E R

Heard the learned counsel on either side.

2.The petitioner's husband namely., Ganesan, died due to electrocution on 31.10.2017. It appears that a live wire got snapped and without being aware of the same, he had stepped on it. In this regard, Crime No.97 of 2017 was registered by Palayanur Police Station, Sivagangai District. The body was sent to postmortem and it is evident from the postmortem report that the death of the petitioner's husband was due to electrocution.

3.The learned standing counsel appearing for the respondents/Board submitted that the petitioner has received some ex-gratia payment from the State Government.

4.I am afraid that the same cannot be taken into account when it comes to fixing the liability of the respondents. In fact the petitioner had prayed for a sum of Rs.15,00,000/- to be paid as compensation. But then, the case on hand is to be disposed of by invoking the proceedings of TANGEDCO issued vide Proceedings No.6, dated 16.10.2019. In modification of the earlier Board Proceedings, TANGEDCO had directed that ex-gratia payment payable on compassionate grounds in respect of fatal accidents is enhanced from Rs.2 Lakhs to Rs.5 Lakhs. Ofcourse, the learned standing counsel would contend that the accident in this case had taken place prior to the issuance of the said proceedings. However, I have held in quite a few cases earlier that these proceedings are beneficial in nature and that it should be made applicable to all the pending claims. Even though, the accident had taken place on 31.10.2017, till date the respondents have not made any payment. If before the issuance of this proceedings, the Board had paid a sum of Rs.2 Lakhs to the petitioner as per the then existing Board Proceedings, there may be some force in the submission of the learned standing counsel. But that is not the case here. The claim for payment of compensation was not accepted by the Board. Hence the petitioner was driven to file this writ petition. Therefore, I am of the view that the respondent/Corporation has to necessarily pay a sum of Rs.5 Lakhs in terms of their proceedings dated 16.10.2019. Of course if the petitioner wants payment of any higher sum as compensation, it is open to her to file civil suit. The period spent in prosecuting the writ petition will of



course be excluded for computing the limitation.

5. Since the death of the petitioner's husband is not in dispute and since the Board themselves have issued proceedings providing for payment on compassionate ground, the writ petition is allowed directing the respondents 1 and 3 to pay a sum of Rs.5,00,000/- as compensation to the petitioner within a period of 16 weeks from the date of receipt of a copy of this order. A sum of Rs.4,00,000/- will be paid directly to the petitioner and the first respondent will create two deposits of Rs.50,000/- each in the name of the children. The petitioner of course will be shown as guardian and the petitioner can withdraw accrued interest once in a year. The fixed deposit can be taken by the children on their attaining majority. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

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Sub Assistant Registrar(CS)

ias/dss

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:

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+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-13621[F] dated
05/08/2020)

W.P. (MD)No.23771 of 2018
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