

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.01.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.1323 of 2021

R.Sandhiya

.... Petitioner

vs.

- 1.The Principal Secretary to Tamil Nadu Government,
Secretariat,
Chennai 600 009.
- 2.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
No.144, 10th Floor, NPKRR Maligai, Anna Salai,
Chennai 600 002.
- 3.The District Collector,
Ranipet District,
Ranipet 632 404.
- 4.The Superintendent of Police,
Ranipet District,
Ranipet 632 403.
- 5.The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
No.10, East Main Road,
Gandhi Nagar, Vellore 632 006.
- 6.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Banavaram Junction Road,
Sholinghur,
Ranipet District 631 102.
- 7.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Kaveripakkam,
Ranipet District 632 508.

8.The Junior Engineer,
Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Panappakkam Town,
Ranipet District 631 502. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 16.12.2020 within the stipulated time.

For Petitioner ... Mr.K.Kathiresan

For Respondents ... Mr.Elumalai for R1, R3 and R4
Additional Government Pleader

Mr.Fakkir Mohaideen for R2, R5 to 8
Standing Counsel

O R D E R

This writ petition is filed by the wife of one Manoharan, who died due to electrocution on 29.11.2020, to consider her representation for adequate compensation.

2. The case of the petitioner is that on 29.11.2020 at about 14.15 hours, her husband went to Panapakkam to Melampulampudur boundary to fix the electric fuse problem along with one Mr.Arumugam (wireman) and one Mr.Sundaram. While fixing the electric fuse, the petitioner's husband/ Manoharan has also informed over phone to Panchatcharam, who was on duty at Panapakkam Sub-station for turning off the electricity connection to enable them to rectify the electrical problem. Mr.Panchatcharam instructed one Senthilkumar Line Inspector, who was on duty at that time to disconnect the power supply. Mr.SenthilKumar informed Panchatcharam that the electricity power supply was disconnected and it was informed to the petitioner husband also to carry out the work. Believing the word of Panchatcharam, the petitioner's husband climbed the electric post and while trying to rectify the electric problem, electrocuted and he was thrown down. Immediately, he was taken to the nearby Primary Health Centre, where the duty doctor instructed to take him to Arakkonam Government Hospital. When he was taken to Arakkonam Government Hospital, the doctor informed that he was brought dead. A case was also registered by the Inspector of Police, Nemili Police Station in Crime No.518 of 2020 under section 174 Cr.P.C

3. The deceased husband left behind two years old daughter viz., Jenisha, one year old son viz., Joseph Vijay and the petitioner. The petitioner made a representation for compensation from the respondent Electricity Board. Since no action has been taken on her representation, the petitioner is before this Court by way of this writ petition seeking for the aforesaid relief.

4. Mr.M.Elumalai, learned Additional Government Pleader takes notice for the 1st, 3rd and 4th respondents. Mr.Fakkir Mohideen, learned Standing Counsel takes notice for the 2nd and 5th to 8th respondents.

5. Mr.Fakkir Mohideen, learned Standing Counsel submitted that the petitioner's husband is not an employee of the Electricity Board and he is no way connected with the Electricity Board as claimed by the petitioner. He had climbed the electric post on his own accord and suffered electric shock and therefore, the petitioner is not entitled for any compensation from the Board. He would further submit that the petitioner's husband has unauthorisedly went along with Senthilkumar, (Line Inspector), Panjacharam (Line Inspector) and T.Arumugam (Wireman) and therefore, the Department has ordered for an enquiry and all the above three persons were also placed under suspension.

6. Considering the rival submissions made, it appears that petitioner's husband went to rectify the electric fuse problem and in that process, he suffered electric shock and succumbed to electrocution. The Inspector of Police, Nemili Police Station has also registered a case in Cr.No.518/2020 under section 174 Cr.Pc. If the Board authorities has availed work from the petitioner's husband, then, investigation has to be conducted as to how he was permitted to rectify the electric fuse problem of the Electricity Board.

7. Therefore, without expressing any view on the merits of the claim made by the petitioner, this Court deem it fit to direct the concerned Inspector of Police, to investigate the case in Crime No.518/2020, and file a final report. The 4th respondent/ Superintendent of Police, Ranipet District, shall monitor the investigation in Cr.No.518/2020. He shall also direct the concerned police to collect the call details of the petitioner's husband Manoharan and the call details of (1) Arumugam, (2) Panjacharam and (3) Senthilkumar, the employees of the Electricity Board, to ascertain as to whether any communications were made in between them at the relevant point of time for carrying out the work. On completion of the investigation, the investigating officer concerned shall file a final report within a period of twelve weeks from the date of

receipt of a copy of this order. Thereafter, a copy of the final report shall also be furnished to this writ petitioner. On receipt of the copy of the final report, the petitioner shall submit fresh representation to the respondent Board. The respondent Board shall take a decision on the petitioner's representation within a period of twelve weeks, thereafter. The Electricity Board has to consider the representation of the petitioner sympathetically for grant of compensation to the petitioner.

8. Accordingly, the writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

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+1 cc to Mr.K.Kathiresan Advocate sr3732
+1 cc to the government pleader sr4225

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