



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.15152 of 2013

1.N.Logambal

2.Narayanan

...Petitioners

Vs.

1.The Chief Secretary
Government of Tamil Nadu
Fort St. George
Chennai - 600 009

2.The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai -2.

3.The Executive Engineer
Operation and Maintenance (O& M)
Tamil Nadu Electricity Board,
Kapilar Malai
Paramathi Taluk
Namakkal District

4.The Junior Engineer
Operation and Maintenance (O&M)
Tamil Nadu Electricity Board
Kapilar Malai
Paramathi Taluk
Namakkal District

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay Rs.25 Lakhs towards compensation to the petitioners for the death of their only son namely Gopinath by Electrocution due to the negligence on the part of the 3rd and 4th respondents.

For Petitioner : Mr.C.Mariappan

For Respondent 1 : Mr C.Jayaprakash
Government Advocate

For Respondents 2 to 4 : No appearance



O R D E R

The Writ on hand is filed seeking compensation for the death of the son of the Writ petitioner one Shri.Gopinath by electrocution. The son of the petitioner was a contract labourer and engaged for electrical works in the Tamilnadu Electricity Board. On 05.05.2011 at 8 a.m., the son of the petitioner was deputed to work along with the five other contract labourers in the presence of the wireman Mr.Raman. High Tension line was passing near the Low Tension line and the son of the petitioner was working in the Low Tension line.

2. At about 5 p.m., the son of the petitioner was electrocuted nearby High Tension line, immediately he was taken to the Government General Hospital, Namakkal and thereafter to the private hospital, namely, R.K.Hospital at Namakkal. Thereafter, the petitioner was taken for advance treatment to Ganga Medical Centre and Hospitals Pvt. Ltd., Coimbatore and was admitted on 06.05.2011. However, unfortunately, he died on 15.05.2011, after 9 days from the date of accident and after undergoing the medical treatment for the burn injuries.

3. The death was intimated to the police and case was registered in Crime No.259 of 2011 under section 174 CrI.P.C. The Junior Engineer, Operation and Maintenance, Tamil Nadu Electricity Board, submitted a report to the police authorities on 15/16.05.2011. In the said report, the Junior Engineer has categorically admitted the fact that while performing the work, the son of the petitioner Shri.Gopinath was electrocuted and died, subsequently.

4. When the death by electrocution is admitted by the Tamil Nadu Electricity Board Authorities, there is no necessity to consider the other evidence. Once, the electrocution is admitted, the victim is entitled for compensation payable by TANGEDCO in the cases of Fatal / Non-Fatal, Mechanical / Electrical accidents to non-departmental persons / animals.

5. In the proceedings issued by the Administrative Branch of TANGEDCO, dated 16.10.2019, the compensation / ex gratia for fatal accident has been enhanced from Rs.2,00,000/- to Rs.5,00,000/-. Accordingly, the petitioner is entitled to a compensation of Rs.5,00,000/- along with interest.

6. However, the petitioner is at liberty to claim other compensations as applicable under the provisions of the Workmen Compensation Act or under any other welfare legislations. In the event of filing any such application / proceedings, the compensation granted under the board proceedings has to be deducted. Thus, the petitioner is at liberty to claim further compensation under any other welfare legislation, if permissible under the provisions of such



legislations. The Board's compensation / ex-gratia to be paid is not a bar for seeking higher compensation under the other Acts.

7. Accordingly, the respondents 2, 3 and 4 are directed to pay a sum of Rs.5,00,000/- along with interest at the rate of 7.5% per annum from the date of death of the petitioner's son till the date of realisation, within a period of three months from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

shr/kan

To

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai -2.
- 3.The Executive Engineer,
Operation and Maintenance (O& M),
Tamil Nadu Electricity Board,
Kapilar Malai,
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- 4.The Junior Engineer,
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Tamil Nadu Electricity Board,
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Namakkal District.

+1cc to the Government Pleader SR. No.58978

W.P.No.15152 of 2013

PCH (CO)
PR (02/12/2021)