



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.19902 of 2011

1.Vijayalakshmi

W/o.Late Desikamani

2.Minor Lavanya

Represented by Mother and Guardian

3.Minor Vigneswaran

Represented by Mother and Guardian

4.Lakshmi

5.Velu

...Petitioners

Vs

1.The Chairman,

Tamil Nadu Electricity Board (TANGEDCO)

No.800, Anna Salai,

Chennai - 600 002.

2.The Superintending Engineer (O & M)

Mettur Distribution Circle,

Tamil Nadu Electricity Board,

Mettur.

3.The Executive Engineer (O & M)

Tamil Nadu Electricity Board,

Namakkal.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.15 Lakhs as compensation to the petitioners for the death of Late Desikamani based upon the representations of the petitioners dated 18.10.2007 and 3.4.2011.



For Petitioners : Mr.R.Bharanidharan

For Respondents : No appearance

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O R D E R

The relief sought for in the present writ petition is to direct the respondents to pay a sum of Rs.15 Lakhs as compensation to the petitioners for the death of Late Desikamani based upon the representations of the petitioners dated 18.10.2007 and 03.4.2011.

2. The petitioners are the legal heirs of Late Desikamani, who was working as Contract Labour in the Tamil Nadu Electricity Board under the control of the third respondent / Executive Engineer.

3. The said Late Desikamani was the only breadwinner of the family and on account of his sudden death, the family was in distress and was living in penurious circumstances. The petitioner states that on 03.04.2007, Late Mr.Desikamani was engaged in installing a Transformer in Singalakombai, Venkatachalam Kattur within the jurisdiction of Erumapatti Police Station. The husband of the first petitioner along with other contract labourers were deployed to install the Transformer under the guidelines of the Lineman and the Assistant Engineer, Construction Department of the Tamil Nadu Electricity Board, Namakkal. While performing his works, Late Desikamani had climbed in Electrical post and removed the wire and suddenly electrocuted and died on the spot. A Criminal Case was registered by the Erumapatti Police Station on 03.04.2007 in Crime No.127 of 2007 under Section 174 of I.P.C.

4. The cause of death is not disputed by the Tamil Nadu Electricity Board. The husband of the first petitioner died, while performing his duties along with the other labourers in the presence of the Lineman and Assistant Engineer, Construction Department of the Tamil Nadu Electricity Board.

5. This being the factum, no further adjudication or evidences are required for the purpose of accepting the cause of death due to electrocution. When the death is established as it occurred due to electrocution, the Tamil Nadu Electricity Board is bound to settle the compensation / ex-gratia as per the Board Proceedings. The ex-gratia amount of Rs.5,00,000/- (Rupees Five Lakhs only) is fixed by the Tamil Nadu Electricity Board in case of death due to Electrocution. Thus, the petitioners are entitled



for the said compensation along with the interest. However, if the petitioners are entitled for higher compensation on various other grounds, it is left open to the petitioners to approach the competent Court of law for the purpose of claiming compensation based on relevant documents. In the event of institution of any Suit by the petitioners, the ex-gratia payment granted by the Tamil Nadu Electricity Board is to be deducted.

6. This being the factum established, the respondents are directed to pay the compensation of Rs.5,00,000/- (Rupees Five Lakhs only) along with the interest at the rate of 7.5% from the date of death of Late Desikamani on 03.04.2007 till the date of realisation. The compensation along with the interest is directed to be settled to the petitioners within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With these directions, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Electricity Board (TANGEDCO)
No.800, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer (O & M)
Mettur Distribution Circle,
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Mettur.

3.The Executive Engineer (O & M)
Tamil Nadu Electricity Board,
Namakkal.

+1cc to Mr.R.Bharanidharan, Advocate SR.No.58741

W.P.No.19902 of 2011

PMK (CO)
CB(30/11/2021)