



W.P.No.9340 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.9340 of 2011

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... Petitioner

Vs.

1.The Medical Superintendent,
T.B. Hospital,
Government Hospital of Thoracic Medicine,
Tambaram Sanatorium,
Chennai – 600 047.

2.The Assistant Engineer,
Public Works Department,
Tambaram Electricity Board,
Tambaram – 600 047.

3.The Junior Engineer,
Public Works Department,
Tambaram Electricity Board,
Tambaram – 600 047.

... 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 solatium of a sum of Rs.10,00,000/- to the petitioner.

For Petitioner : Mr.A.M.Krishnamoorthy

For Respondents : Mr.C.Kathiravan
Government Advocate



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ORDER

(Through Video Conferencing)

The relief sought for in the present writ petition is to direct the respondents to pay solatium of a sum of Rs.10,00,000/- to the petitioner.

2.The petitioner states that her husband Mr.V.Bhaskar was admitted in the 1st respondent Hospital and was undergoing treatment as an In-Patient in Ward No.5 for heavy cough and cold. The petitioner was also staying along with her husband. On 21.06.2008, at night, the petitioner left to home, stating that she will come back next morning after preparing food for him. On 22.06.2008, morning at around 05.50 a.m., the petitioner received a call from the Hospital that her husband got electrocuted and died. The petitioner and her family members rushed to the Hospital and found that the body of Mr.V.Bhaskar was kept in Mortuary. It was a great shock to the petitioner, as her husband was freely talking till one night before. The co-patients informed the petitioner that her husband and other two patients went to toilet, where, the husband of the petitioner got electrocuted.



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3.The petitioner states that her husband was an Auto-Rickshaw Driver and was the sole bread winner of the family. Due to the sudden demise of her husband, the family is in penurious circumstances and they are unable to meet out their livelihood. Thus, she made an application to grant compensation. However, the respondents have not initiated any action.

4.The counter affidavit filed by the 1st respondent states that the husband of the petitioner, Mr.V.Bhaskar, was admitted in Government Hospital of Thoracic Medicine in Ward No.5 and was undergoing treatment for respiratory illness. The said Mr.V.Bhaskar accidentally came in contact with live electric wire, which was sagging due to heavy rain and gusty wind and consequently, he died on 22.06.2008. It was stated that the wire had been left carelessly by the administrative staff of the Hospital. In this connection, it is stated in the counter affidavit that, due to heavy rain, wind and thunderstorm, the L.T.O.H. (Low Tension Over Head) copper conductor near Ward No.5 sagged excessively. The victim Mr.V.Bhaskar, who was an In-Patient of Ward No.5, came out of the ward at the early morning and came in contact with the sagging electric conductor and got electrocuted and subsequently, died.



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WEB COPY 5.Regarding the contention of the petitioner that her husband went to toilet, the 1st respondent has stated in the counter affidavit that, in each and every ward of the Hospital, bathroom and toilet facilities are available inside the wards. In spite of toilet facilities being provided inside the wards, there is no need for the patient to go out for toilet.

6.However, the 1st respondent has categorically admitted the fact that the petitioner was electrocuted inside the Hospital, wherein, it is admitted that a live electric wire was sagging due to heavy rain and gusty wind. When the electrocution itself was admitted by the competent authorities of the Government Hospital, then there is no need to examine further evidences or documents.

7.In respect of the cases of fatal accidents due to electrocution, the Tamil Nadu Electricity Board has also fixed a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation. In all such cases, Courts have also granted a sum of Rs.5,00,000/- as compensation, if the death due to electrocution is established beyond doubt. When the Tamil Nadu Electricity Board has already passed Board proceedings stating that the



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victim of electrocution is entitled for a compensation of Rs.5,00,000/-, this Court is of an opinion that the said amount is to be granted in the present case also, as the petitioner's husband also died due to electrocution, which is admitted in the counter affidavit filed by the 1st respondent.

8.Moving of a patient nearby the ward cannot be faulted and therefore, the reasons stated by the 1st respondent cannot be accepted. When the 1st respondent has categorically admitted that the victim Mr.V.Bhaskar came into contact with the live electric wire, which was sagging due to heavy rain and gusty wind and was electrocuted near the rear end of Ward No.5 and consequently died on 22.06.2008, there is no reason to consider the other statements made in the counter affidavit. Thus, the petitioner is entitled for compensation and the quantum of compensation is fixed based on the Board Proceedings passed by the Tamil Nadu Electricity Board. Since, in the case of fatal accidents, a compensation of Rs.5,00,000/- is being paid by the Tamil Nadu Electricity Board to the victim, adopting the said yardstick, this Court is inclined to grant the same compensation to the petitioner also.



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WEB COPY 9. In view of the facts and circumstances, the respondents are directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioner, along with interest at the rate of 7.5% p.a. from the date of death of the husband of the petitioner, Mr.V.Bhaskar, i.e., on 22.06.2008 till the date of realisation. The respondents are directed to settle the compensation along with interest within a period of twelve weeks from the date of receipt of a copy of this order.

10. With these directions, this writ petition stands disposed of. No costs.

01.11.2021

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Internet : Yes

Index : Yes

Speaking order

To

1. The Medical Superintendent,
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The matter is listed under the caption “For Being Mentioned” based on the letter dated 16.03.2023 issued by the Superintendent of Government Hospital of Thoracic Medicine, Tambaram Sanitoraium to the Registrar, High Court, Madras.

2. It is brought to the notice of this Court that the Authorities with the Demand Draft approached the petitioner for the purpose of settling the compensation amount since the petitioner is not residing in the address given in the writ affidavit, the Authorities are unable to trace the petitioner's whereabouts.

3. Learned counsel for the petitioner states that he will issue a publication in his capacity as counsel for the petitioner. In the event of approach by the petitioner, the respondents shall settle the compensation amount as per the directions of this Court.



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Thus, the learned counsel for petitioner is at liberty to issue a publication in News Paper.

27.03.2023

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