



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.6365 of 2011

WEB COPY

Lekshmanan (died)

1.C.Poomani

2.L.Vanaja

3.L.Valsala

4.L.Ajitha

... Petitioners

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
144 Anna salai, Chennai - 600 002.

2.The Assistant Executive Engineer
(Distribution),
Tamil Nadu Electricity Board,
Thuckalai,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records relating to the order dated 14.03.2011 in Letter No.0127/ASE/Distribution/Thuckalai/Proceedings/11 of the 2nd Respondent and quash the same and consequently direct the respondent Board to grant a reasonable compensation for the death of the Petitioner's Son, L.Nagarajan.

For Petitioners : Mr.T.Ponramkumar

For Respondents : Ms.Parameshwari,
for Mr.SMS.Johnny Basha

ORDER

Heard the learned counsel appearing for the petitioners and the learned standing counsel for the respondents.

2.The writ petition was originally filed by one Lekshmanan. He is now no more. His legal heirs have come on record. C.Poomani is the wife of the petitioner and the mother of deceased Nagarajan. On 10.12.2009, due to electrocution, he died in his native village. In this regard, Crime No.1148 of 2010 was



registered on the file of the Thuckalai Police Station. It is beyond dispute that he died due to electrocution.

3. Now, the question that arises for consideration is whether any compensation is payable to the petitioner herein. The respondent board had issued proceedings for payment of compensation. In other words, the negligence or otherwise of the board is not gone into. Even if the death had taken place without any negligence on the part of the TNEB officials, still certain compensation has to be paid. Now it has been enhanced to Rs.5.00 lakhs in cases of fatal accident. During the relevant time, the compensation was Rs.2.00 lakhs.

4. I am of the view that this amount of Rs.2.00 lakhs has to be paid as compensation to Tmt.C.Poomani, mother of the deceased. The writ petition was filed way back in June 2011. So for no compensation amount has been paid. When the board proceedings provide for payment of compensation, without going into the question of liability, the same ought to have been paid in the year 2011 itself. Therefore, I direct the respondents to pay a sum of Rs.2.00 lakhs as compensation to the mother of the deceased within a period of eight weeks from the date of receipt of a copy of this order, together with interest to be computed at the rate of 6% per annum from 01.07.2011 till the date of payment.

5. The writ petition is allowed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

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.

+1 CC to M/s.T.PON RAM KUMAR, Advocate (SR-1295[F]
dated 20/01/2021)

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