



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.15885 of 2021

WEB COPY

M.Parvathy

... Petitioner

Vs.

- 1.The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Annasalai,
Chennai-600002.
- 2.The Superintending Engineer,
(Central Office)
TANGEDCO-TNEB,
NRT Nagar, Main Road,
Theni-625031,
Theni District.
- 3.The Executive Engineer,
O/o Executive Engineer Office (East),
Theni Electricity Distribution Circle,
Tamilnadu Generation and
Distribution Corporation Limited (TANGEDCO),
Near JC portale Bank,
Madurai Road, Periyakulam Post,
Theni District.
- 4.The Assistant Executive Engineer,
O/o The Assistant Executive Engineer Office (West),
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tamilnadu Electricity Board (TNEB),
Andipatti West,
Theni District.
- 5.The Assistant Engineer,
O/o Assistant Engineer Office (TNEB),
Tamilnadu Generation and
Distribution Corporation Limited (TANGEDCO),
Kadamalaikundu,
Andipatti Taluk, Theni District.



6.The Superintendent of Police,
O/o Theni Superintendent of Police Office,
Theni,
Theni District.

7.The Inspector of Police,
Kadamalaikundu Police Station,
Kadamalaikundu Post,
Andipatti Taluk, Theni,
Theni District.
(Crime No.995/2020)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to pay sum of Rs.20,00,000/- (Twenty Lakhs Only) by way of compensation for the death of petitioner's husband (late) Murugan, aged 42 years, due to electrocution.

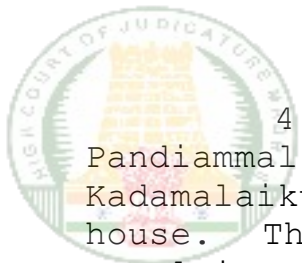
For Petitioner : Mr.M.Karuppasamy Pandian
For R-1 to R-5 : Mrs.M.Rajeswari,
Standing Counsel.
For R-6 and R-7 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents 1 to 5 to pay compensation for the death of the husband of the petitioner, Murugan, owing to electrocution.

2. Murugan, the husband of the petitioner, according to the petitioner, was working as a contract labourer in Tamil Nadu Electricity Board, Kadamalaikundu Village from the year 2008. It is also claimed by the petitioner that he got registered as a member of Sub-station at Kadamalaikundu in Tamil Nadu Electricity Board and that his registration number was 15233.

3. It is also pointed out that he was one among those who had been assigned to assist the Electricity Board to restore electricity and to restore lines which had been cut owing to Gaja Puyal. These facts are stated by the petitioner who pointed out that Murugan was actually in one way or the other, either directly or indirectly, a workmen under the Electricity Board. That is a fact which will have to necessarily be further established during the course of evidence. But the statement made by the petitioner is recorded here.



4. Be that as it may, there was a complaint given by Pandiammal on 04.12.2020 to Electricity Board at Devaraj Nagar, Kadamalaikundu stating that there was no electricity supply in her house. The husband of the petitioner, Murugan, responded to such complaint and it is claimed that he switched off the transformer in Tamil Nadu Electricity Board Sub-station and fixed the electrical fuse wire in the house of Pandiammal. Thereafter, he climbed the electrical post to check the cut EB wires and at that time, he was struck by the wire, suffered electrocution shock, fell down and died. Compensation is now claimed by this Writ Petition for his death. The petitioner claims that she has no other source and that she also has a son and a daughter to look after.

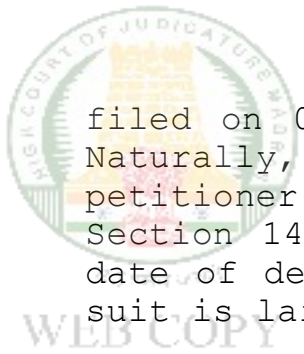
5. Let me not examine the facts in detail, but limit myself to what is stated in the counter-affidavit, wherein, it had been stated by the respondents that the TANGEDCO in their board proceedings dated 29.04.2013 had adjudged that a sum of Rs.2 lakhs can be granted as compensation under no fault liability and thereafter, it had been increased to a sum of Rs.5 lakhs by further proceedings dated 16.10.2019.

6. A direction is given to the second respondent herein within a period of eight (8) weeks from the date of receipt of a copy of this order, to immediately disburse a sum of Rs.5 lakhs to the petitioner herein on proper identification and authentication by the petitioner. This would not mean that the petitioner has no other further remedy. The petitioner can also institute a suit seeking further or additional compensation provided the law of limitation is not adverse to the petitioner and from the dates given, it does not seem to be adverse to her.

7. While claiming such compensation, the facts as stated above will have to be necessarily established namely, that Murugan had a contractual relationship with the respondents, that Pandiammal had actually given a complaint, that Murugan attended the said complaint, and that during the course of attending such complaint, Murugan got shock and died as a result of such electrocution. These are all aspects which will naturally have to be examined by the particular Civil Court.

8. If at all the petitioner is of the opinion that a suit should be further instituted and be examined, I would leave it to the wisdom of the particular Judge who examines the issues raised in that particular suit to award any further compensation. A sum of Rs.5 lakhs may be adjusted if further compensation is paid.

9. It is also to be mentioned that the date of death of Murugan was on 04.12.2020. This particular Writ Petition was



filed on 01.09.2021. This order is passed today on 10.12.2021. Naturally, if at all the point of limitation is raised, the petitioner can claim benefit from 01.09.2021 to 10.12.2021 under Section 14 of the Limitation Act. Be that as it may, since the date of death is only in the year 2020, I am hopeful that if any suit is laid, it will be laid within the period of limitation.

10. This Writ Petition stands disposed of with the direction given to the second respondent as aforesaid. There shall be no order as to costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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.

To

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+1 CC to M/s.M.KARUPPASAMY, Advocate (SR-38173[F] dated
10/12/2021)

+1 CC to M/s.SPL GP (SR-38338[F] dated 13/12/2021)

**W.P. (MD) .No.15885 of 2021
10.12.2021**

ARK(CO)
SB(22.12.2021) 5P 10C