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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.28547 of 2013

&

W.M.P.No.20332 of 2020

S.Ramachandran

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.K.Maligai,
800, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer (O & M),
Vyasarpadi Division,
Tamil Nadu Electricity Board,
Vyasarpadi, Chennai - 600 039.
3. The Executive Engineer (O & M),
Vyasarpadi Division,
Tamil Nadu Electricity Board,
Vyasarpadi, Chennai - 600 039.

... Respondents

(R2 and R3 impleaded as per order
dated 25.10.2013 in M.P.No.1 of 2013 in
W.P.No.28547 of 2013)

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents to pay Rs.10,00,000/- towards compensation to the petitioner.

For Petitioner : Mr.K.Malaikannu

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel



ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to pay compensation of Rs.10,00,000/- to the petitioner for the negligence of the respondents.

2. It is alleged that on 03.07.2012 at about 07.45 p.m., the petitioner's son went to police booth located near Housing Board Quarters at East Cementry Road and called constable friendly, who is known to him sitting inside the police booth. While so, he touched the door of the booth and received heavy electric shock and the police constable also received electric shock and he was thrown outside the booth. In the accident, police constable sustained injuries and his son died on the way to Hospital. In this regard, a criminal case was registered in Crime No.1033 of 2012, dated 03.07.2012. For the negligence of the respondents, the petitioner is entitled for compensation.

3. The respondents have filed a counter disputing the allegations made by the petitioner. According to the learned Standing Counsel for the respondents, the negligence alleged against the respondents has not been established by the petitioner.

4. Heard the rival submissions and perused the materials available on record.

5. It is seen that a criminal case in Crime No.1033 of 2012 was registered on the basis of the complaint given by the father of the deceased / petitioner. In the F.I.R., it has been clearly narrated that the deceased had touched the door of the booth and received heavy electric shock. Death Report enclosed in the typed set of papers shows that the deceased died due to electrocution. Therefore, the contention of the learned Standing Counsel appearing for the respondents that the petitioner has not proved the negligence, cannot be countenanced. In similar circumstances in WP.No.22135 of 2013, dated 16.11.2021, this Court has directed the Electricity Board to pay Rs.5,00,000/- as compensation for the death due to electrocution and the relevant paragraphs are extracted hereunder:-

"4. When the accident of electrocution is admitted, no further enquiry is required or evidences needs to be considered. Thus, this Court is of an opinion that the petitioner is entitled for compensation as admissible under the scheme published by the Tamil Nadu Electricity Board in Board proceedings. In the event of death on electrocution as



per the scheme, the victim is entitled for compensation of Rs.5,00,000/~. Thus, the petitioner is entitled for the said amount even as per the Board proceedings.

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5.The respondent has stated that the petitioner has filed one more petition before the State Human Rights Commission, Tamil Nadu. The petitioner undertook that she cannot seek any other relief against the Tamil Nadu Electricity Board before the State Human Rights Commission and in view of the fact she has to receive compensation in the present writ petition.

6.Accordingly, the respondent is directed to pay a sum of Rs.5,00,000/~ along with interest at the rate of 7.5% from the date of death till the date of realisation. The respondent is directed to settle the compensation along with interest within a period of three months from the date of receipt of a copy of this order.

7.Accordingly, the writ petition stands allowed. No costs."

6. In the light of the above, I am of the opinion that the petitioner is entitled to succeed in this Writ Petition. Accordingly, the Writ Petition is allowed. The respondents shall pay Rs.5,00,000/- to the petitioner along with interest at 7.5% per annum from the date of accident till the date of realization, within a period of three months from the date of receipt of a copy of this order. There is no order as to costs. In view of the direction issued to the respondents herein, the impleading petition in W.M.P.No.20332 of 2020 is dismissed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

r n s



To

1. The Chairman,
Tamil Nadu Electricity Board,
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Vyasarpadi, Chennai - 600 039.
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Vyasarpadi Division,
Tamil Nadu Electricity Board,
Vyasarpadi, Chennai - 600 039.

+1cc to M/s.L.Jai Venkatesh, Advocate, S.R.No.22021

+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.22424

+1cc to M/s.K.Malaikannu, S.R.No.22104

W.P.No.28547 of 2013 &
W.M.P.No.20332 of 2020

JP-II (CO)
SU(16/05/2022)