



W.P.No.44720 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.44720 of 2016

Krishnamoorthi

..Petitioner

Vs.

1.The Chairman,
TANGEDCO,
Anna Salai, Chennai – 2.

2.The Superintending Engineer,
Nagai Electricity Distribution Division,
Nagapattinam District.

3.M/s.NCC Network,
Rep. By its Managing Director,
Corporate Office, NCC House,
Madhapur, Hyderabad – 500 081.

4.The Regional Office,
Rep. By its Manager,
No.190A Pettukola Tower,
8th Floor, Kilpauk,
Chennai – 600 010.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent pertaining to the impugned order passed in



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Ka.No.1771/N1 P1.1/U.1/Ko.MUTHAPI/2016 dated 21.09.2016 passed by the 2nd respondent and quash the same and consequently direct the respondent to pay sum of Rs.15,00,000/- (Fifteen Lakhs Only) as a compensation for the death of petitioner's son i.e., K.Manoharan S/o. T.Krishnamoorthy aged 21 years, died due to electrocution taken place on 13.01.2016 at THUMBAPOOMADA STREET, NAGOOR, Nagapattinam District due to the negligence on the part of the respondents.

For Petitioner : Mr.P.Vijendran

For Respondents : Ms.V.Revathy

for Mr.M.Abul Kalam for R1 & R2

Mr.P.J.Rishikesh for R3 & R4

ORDER

Challenge in the Writ Petition is to the rejection of the request of the petitioner for payment of compensation for the death of his son, Thiru K.Manoharan, who died while he was working as an employee under the 3rd respondent, who is a Contractor engaged in executing certain works for the 1st respondent namely, Tamil Nadu Generation of Electricity and Distribution Corporation.



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2.The said claim was rejected by the 1st respondent solely on the ground that the petitioner, being an employee of the Contractor, is not entitled to compensation from the 1st respondent.

3.Though Mr.P.Vijendran, learned counsel for the petitioner would submit that the 1st respondent Company was not justified in out sourcing this work and it should be assumed that the petitioner's son was engaged by the 1st respondent directly and the compensation should be paid, Mr.P.J.Rishikesh, learned counsel for the 3rd respondent would submit that the petitioner had approached the Deputy Commissioner of Labour under the Employees' Compensation Act for claiming compensation against the 3rd respondent and pursuant to the award passed by the Commissioner, apart from Rs.1,00,000 /- which was already paid, a sum of Rs.9,05,880/- has been paid over to the petitioner.

4.Now that the claim for compensation is satisfied by the 3rd respondent, I do not think that any further order is necessary or any further



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direction should be given to the 1st respondent to pay compensation. This

Writ Petition is therefore, fails and it is accordingly, dismissed. No costs.

12.07.2022

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Index:No

Internet:Yes

Speaking

To:-

- 1.The Chairman,
TANGEDCO,
Anna Salai, Chennai – 2.
- 2.The Superintending Engineer,
Nagai Electricity Distribution Division,
Nagapattinam District.
- 3.The Managing Director,
M/s.NCC Network,
Corporate Office, NCC House,
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- 4.The Manager,
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R.SUBRAMANIAN, J.

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