



W.P.No.6140 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6140 of 2020

S.Vijayan

... Petitioner

Vs.

1. The Chairman-cum-Managing Director,
TANGEDCO,
144, Anna Salai, Chennai – 600 002.
2. The Superintending Engineer,
Kancheepuram Electricity Distribution Circle,
Olimuhamudet, Kancheepuram – 631 502.
3. The Executive Engineer (O&M),
TANGEDCO, Thiruvallur Division,
Periyakuppam, Thiruvallur District.
4. The Assistant Executive Engineer (O&M),
TANGEDCO,
Periyapalayam – 601 102,
Thiruvallur District.
5. The Assistant Engineer,
TANGEDCO, Bandikavanoor Sub-Station,
Manchagkaranai Post – 601 102,
Thiruvallur District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to pay compensation of Rs.25,00,000/- to the petitioner, as he sustained grievous injuries and his left hand was amputated, besides grant any suitable permanent employment either to him or any one of his family members in TANGEDCO for the survival of his family and for the future of his two female children.

For Petitioner : Mr.S.Murugan

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

The prayer sought for in this Writ Petition is to pay a compensation of huge sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as the petitioner claimed to have sustained injury and his left hand was amputated.

2. The case of the petitioner is that the petitioner was working as Contract Labour in the Tamil Nadu Electricity Board (TANGEDCO), Periyapalayam Sub-Division on the basis of contractual worker from 02.05.1996 to 13.05.2019. During the course of his contractual



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employment, on 13.5.2019 an accident happened in which the petitioner had suffered electrocution and immediately he was admitted in Hospital and he was treated as inpatient for nearly 2 months and even now he is taking treatment as outpatient. Due to the accident, his left hand was amputated. Therefore, the petitioner made a representation on 26.08.2019 to the respondents for a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as compensation, besides an employment, either to the petitioner or to anyone of his family members, but the same has not been considered. Hence, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner submits that the petitioner filed the Writ Petition in the capacity of employee of the Electricity Board, however, there was a dispute with regard providing of employment either to the petitioner or to anyone of his family members. Therefore, he submits that this Court may direct the respondents to pay compensation and also providing opportunity of employment, either to the



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petitioner or to any one of his family members.

4. On the above contention, the learned Standing Counsel appearing for the respondents, who disputes the employment of the petitioner with the respondents even on contractual basis.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. A careful perusal of the submissions advanced by the learned counsel on either side clearly reveals that there is a dispute with regard to the status of the petitioner vis-a-vis the respondents, as it is the case of the respondents that the petitioner is not even under contractual employment of the respondents and, therefore, the question of providing of employment either to the petitioner or to any member of his family does not arise.

7. However, it is not in dispute that the petitioner had suffered electrocution, which has resulted in the amputation of the hand of the petitioner. That being the case, the petitioner is entitled for compensation at



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the hands of the respondents.

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8. In such view of the matter, while this Court cannot give any affirmative direction with regard to the grant of employment as it revolves around a disputed question of fact, this Court, without expressing any opinion on the merits of the issue, grants liberty to the petitioner to approach the appropriate forum in the manner known to law. The period during which the petition has been pending on the file of this Court shall be excluded for the purpose of computing the limitation.

9. However, insofar as the payment of compensation is concerned, as the Government Orders as well as the Board proceedings provides for compensation in respect of electrocution, the respondents are directed to pay appropriate compensation to the petitioner in terms of the Government Orders and Board Proceedings within a period of eight weeks from the date of receipt of a copy of this order. If the petitioner is not satisfied with the compensation paid by the respondents, it is open to the petitioner to have his grievance redressed in the manner known to law.



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10. The Writ Petition is disposed of in the above terms. No costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

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