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W.P.No.17094 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17094 of 2018

Anburaj

... Petitioner

Vs.

1.Chief Engineer
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai – 600 002.

2.Assistant Engineer
Tamil Nadu Electricity Board,
S.S.Complex, Mambakkam,
Chennai – 600 127.

3.Appellate Officer/Superintendent Engineer,
Chengalpet Electricity Distribution Taluk,
Chengalpet.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned letter of the third respondent in Letter No.015796-1/2018 dated 02.06.2018 and quash the same and directing the third respondent to fix a reasonable compensation of Rs.10,00,000/- to be payable to the petitioner over the death of his minor son namely A.Samuel died due to electrocution on 14.12.2015 at 9.00 a.m due to the unattended disconnected wire from the Electric post of the



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respondents, within the reasonable time fixed by this Hon'ble Court.

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For Petitioner : Mr.S.Pushpakaran
For Respondents : Mr.L.Jaivenkatesh

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned letter of the third respondent in Letter No.015796-1/2018 dated 02.06.2018 and to quash the same and direct the third respondent to fix a reasonable compensation of Rs.10,00,000/- to be payable to the petitioner over the death of his minor son namely, A.Samuel, who died due to electrocution on 14.12.2015 at 9.00 a.m. due to the unattended disconnected wire from the Electric post of the respondents, within the reasonable time fixed by this Court.

2.The case of the petitioner is that the petitioner's minor son was boarded in home namely 'peace garden home' at Kumuzhi Village, Kancheepuram District, when he was studying VIII standard in Kumuzhi Government High School and on 14.12.2015, the petitioner's son died due to electrocution due to the unattended disconnected wire from the Electric post of the respondents. Thereafter, complaint was given to E-10, Kayar Police Station and after investigation, the Law



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Enforcing Agency filed a final report that the petitioner's son died due to electrocution.

3.The further case of the petitioner is that the petitioner submitted representation to the respondents on 25.10.2016 to take action against the employees of Tamil Nadu Electricity Board who are incharge of the concerned area and to pay a compensation of Rs.20 Lakhs to the petitioner, however, his claim was rejected. Aggrieved by the same, the petitioner filed appeal before the third respondent and since the same was not considered, he filed W.P.No.24338 of 2017 before this Court and pursuant to the order of this Court dated 11.09.2017, the respondents fixed ex-gratia amount of Rs.2 Lakhs as compensation. Aggrieved by the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that the respondents by way of impugned order directed the petitioner to collect the ex-gratia amount of Rs.2 Lakhs, however, the petitioner did not collect the same, since it was inadequate. The learned counsel further submitted that this Court may issue direction to the respondents to pay a sum of Rs.5 Lakhs as ex-gratia amount.



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5.The learned counsel appearing for the respondents submitted that prior to the year 2019, the ex-gratia amount for death due to electrocution was fixed at Rs.2 Lakhs and only after the year 2019, it was increased to Rs.5 Lakhs. In the present case, the petitioner's son died due to electrocution during the year 2015 and hence the petitioner is entitled to a sum of Rs.2 Lakhs.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not in dispute. Admittedly, the petitioner's son died due to electrocution in the year 2015. The respondents by way of impugned order directed the petitioner to collect the ex-gratia amount of Rs.2 Lakhs and aggrieved by the same, the petitioner has filed this writ petition. During the pendency of this writ petition, in the year 2019, the ex-gratia amount for death due to electrocution has been increased to Rs.5 Lakhs. Since the writ petition is pending from the year 2018 onwards, this Court is inclined to give the benefit to the petitioner.



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8.This Court directs the respondents to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) by way of demand draft to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Liberty is granted to the petitioner to approach the competent civil Court for enhancement of compensation amount.

9.The writ petition is accordingly disposed of. No costs.

10.Registry is directed to list the writ petition 'for reporting compliance' on 18.04.2023.

21.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

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M.DHANDAPANI,J.
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