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W.A.(MD)No.1978 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1978 of 2023

and

C.M.P.(MD)No.15483 of 2023

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.100, Annasalai, Chennai-600 002.
- 2.The Chief Engineer (Personnel),
Tamilnadu Electricity Board,
No.100, Annasalai, Chennai-600 002.
- 3.The Superintending Engineer,
TNEB / TANGEDCO,
Thoothukudi, Thoothukudi District.
- 4.The Assistant Executive Engineer,
TNEB / TANGEDCO,
Vilathikulam, Thoothukudi District.

... Appellants

Vs.

C.Karna Maharaja

...Respondent



W.A.(MD)No.1978 of 2023

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.2652 of 2023, dated 16.06.2023 on the file of this Court.

For Appellants : Mr.S.Deenadhayalan

For Respondent : Mr.I.Pinaygash

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM.J.***)

This Writ Appeal has been instituted against the order dated 16.06.2023 passed in W.P.(MD)No.2652 of 2023.

2.The respondent, who is the father of the deceased boy aged about 14 years, instituted the Writ proceedings, seeking compensation of Rs.10 Lakhs for the act of negligence on the part of the Electricity Board Officials. Admittedly, the son of the respondent died due to electrocution. The learned Single Judge considered the fact that the son of the writ petitioner was aged about 14 years and was studying 9th standard in a Government Higher Secondary School, Vilathikulam. On 14.09.2022 when the boy was returning to home at about 07.30 p.m., Electricity Board Officials were working underground by pulling wires at alternate place instead of original place.



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3.The allegation of the writ petitioner was that the Electricity Board Officials asked the son of the writ petitioner to stand and help them. We are not inclined to go into the said allegation, since such allegations are to be established only through evidences and by examining the witnesses if required. As far as the compensation granted by the learned Single Judge is concerned, even as per the Electricity Board proceedings, the victim is entitled for a compensation of Rs.5 Lakhs on account of death due to electrocution. Even in the absence of establishing any negligence or otherwise on the part of the Electricity Board Officials, the victim is entitled for compensation of Rs.5 Lakhs.

4.If the electrocution occurred due to the negligence on the part of the Electricity Board Officials, then the respondent / writ petitioner is at liberty to approach the competent civil Court, seeking enhancement of compensation by establishing the negligence on the part of the Electricity Board Officials.

5.As far as the compensation granted in the Writ proceedings is concerned, it is based on the Board proceedings, for which the victim is entitled and thus, we do not find any infirmity in respect of the order under challenge.



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Therefore, the appellants are directed to pay the compensation amount of Rs.5 Lakhs along with interest at the rate of 7% per annum from the date of the death of the deceased boy to the respondent / writ petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

16.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

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