



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20494 of 2021

Thamaraiselvi

... Petitioner

Vs.

1. TANGEDCO, Represented by its Chairman,
Anna Salai, Chennai – 600 002.
2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Tirunelveli District.
3. The Administrative Officer,
Tamil Nadu Electricity Board,
Panakudi, Kavalkinaru via Tirunelveli District.
4. The Assistant Executive Engineer,
Levingepuram, Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pay compensation to the petitioner for a sum of Rs. 1 Crore with 12 percentage interest from the date of death of Mr.Balakumar till date and pass.

For Petitioner : Mr.J.Joseph Stalin

For Respondents : Mr.S.Madhusudanan,
Standing Counsel for TANGEDCO



ORDER

The Writ Petition has been filed for directing the 1st respondent to pay compensation to the petitioner for a sum of Rs. 1 Crore with 12% interest from the date of death of Mr.Balakumar.

2. The petitioner states that her Son Mr.Balakumar was studying III Year Diploma Course. On 18.08.2016, the deceased Mr.Balakumar was performing his routine duties. He switched on motor and it was not working. Mr.Balakumar found that there was a power outage. The field is located in Pazhavur and he contacted the Electricity Office in Levinegipuram, Kanyakumari District. He had received response from the electricity office that “our engineer will secure the line and will be there shortly”. Mr.Balakumar waited for long but no one came to secure the line. He was standing nearby the transformer in Thillaimmal Kovil, Pazhavor for the arrival of the Electrical Engineer. He was not aware that a separate line has been taken from the Transformer to a wind mill. He made an attempt to rectify the repair and due to short-circuit and leakage, the said Balakumar got electrocuted and died instantly.



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3. A criminal case was registered in FIR No.117 dated 18.06.2016.

The FIR report reveals that the deceased Balakumar has taken a decision and to change the fuse carrier, claimed in the Transformer pole and instantly got electrocuted and found dead in the Transformer pole itself. The FIR report states that the deceased Balakumar attempted to repair the Transformer near the Thillaiammal Kovil, Pazhavor, which resulted in electrocution. Relying on the said FIR, the learned Standing Counsel would submit that the respondent Board is not responsible for Act of the deceased and thus, the petitioner is not entitled for compensation.

4. The learned counsel for the petitioner would submit that the deceased was waiting for a long time. He was only standing nearby the Transformer and due to short-circuit, he got electrocuted and died.

5. May that as it be. Disputes facts in this regard cannot be adjudicated in a writ proceedings. For seeking compensation as such sought for in the present Writ Petition, the petitioner has to establish negligence on



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the part of the Board in maintaining the Electrical Transformers. However, this Court is inclined to consider the case of the writ petitioner based on the Board proceedings granting compensation on compassionate grounds. To grant compensation under the Board proceedings on compassionate grounds, adjudication of disputed facts are not required. Fixed compensation has been granted on compassionate grounds by the Board and therefore, the petitioner is entitled for the compensation to the extent as stated in the Board proceedings. As per the Board Proceedings No.6 dated 16.10.2019 for fatal accidents, a sum of Rs.5,00,000/- has been fixed. Though the accident occurred on 18.08.2016 and during the relevant point of time, the compensation fixed by the Board was Rs.2,00,000/-, this Court is inclined to apply the subsequent proceedings wherein the Board enhanced the compensation from Rs.2,00,000/- to Rs.5,00,000/-. The Writ Petition is pending for the past about three years and the current compensation fixed by the Board is Rs.5,00,000/-. Considering the fact that the son of the petitioner was aged about 18 years and was studying III Year Diploma Course, it would be appropriate to apply the current Board proceedings for the purpose of granting compensation.



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6. In view of the facts and circumstances, the respondents are directed to pay a sum of Rs.5,00,000/- as per the Board Proceedings dated 16.10.2019 along with interest at the rate of 6% per annum from the date of death till the date of payment within a period of eight weeks from the date of receipt of a copy of this order. The grant of compensation under the Board Proceedings is not a bar for the petitioner to seek enhancement of compensation by approaching the competent Civil Court of law and by establishing the negligence on the part of the Board authorities.

7. With this directions, the Writ Petition stands allowed. No costs.

09.02.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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Anna Salai, Chennai – 600 002.
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Tamil Nadu Electricity Board,



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Tirunelveli District.

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S.M.SUBRAMANIAM, J.

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