



WEB COPY

WP No.20771 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-02-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.20771 of 2021

K.Manjula

.. Petitioner

-VS-

1.The Chairman and Administrative Director,
TANGEDCO,
No.6th Floor, TRANTRANSCO-Campus,
144, Anna Salai,
Chennai-600 002.

2.The Executive Engineer (O & M),
Public Information Officer,
Sholingar Division,
Pannavaram Salai,
Pandiyallur Post,
Valajah Taluk,
Sholingar – 631 102.

3.The Assistant Engineer (O & M),
Subramaniyan Kovil Street,
Panapakkam, Nemili Taluk,
Ranipettai – 631 052.

.. Respondents



Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to pay a monetary compensation and provide give compassionate appointment to one of the legal heirs of the deceased husband.

For Petitioner : Mr.R.Elavarasan for
Mr.C.Rajaguru.

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

ORDER

The present writ petition has been instituted to direct the respondents to pay compensation and to provide compassionate appointment to the legal heirs of the deceased husband of the writ petitioner.

2. The husband of the writ petitioner late Mr.S.Kumar was a Mason and was working as daily wage labourer. When the husband of the writ petitioner was working in building construction on 14.04.2021, the husband of the writ petitioner went near the electric pole and suddenly got electrocuted and died instantly on the spot at about 12.30 P.M.



3. The petitioner states that due to illegal installation of iron post supporting overhead electricity power line, the electrocution occurred and therefore, the TANGEDCO has to pay compensation.

4. The learned Standing Counsel appearing on behalf of TANGEDCO, disputed the fact by stating that the electrocution occurred on account of negligence on the part of the deceased employee.

5. The High Court cannot adjudicate the issues relating to negligence, which requires an elaborate adjudication based on the documents and evidences available on record. However, the death due to electrocution has been admitted by the parties. Since the death due to electrocution is admitted, the petitioner is entitled for compensation as per TANGEDCO proceedings No.6, Administrative Branch, dated 16.10.2019.

6. Regarding the claim of the writ petitioner, seeking compassionate appointment, the same cannot be considered, since the deceased employee was not an employee in the TANGEDCO.



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7. It is brought to the notice of this Court that the petitioner had already received a sum of Rs.2,50,000/- towards part compensation. Therefore, the respondents are directed to pay the balance compensation of Rs.2,50,000/- 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. However, the grant of compensation based on the TANGEDCO Board proceedings is not a bar for the petitioner to institute civil suit seeking enhancement of compensation in the manner known to law.

8. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.



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