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W.P.No.33855 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33855 of 2018

R. Kumar

...Petitioner

Vs

1. The Chairman,
Tamil Nadu Generation and Distribution Corp.Ltd.,
(TANGEDCO), 144, Anna Salai, Chennai – 2

2. The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai – 9

3. The Joint-Director,
Medical Services Department,
Corporation of Chennai,
Chennai-600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to quash the communication dated 30.11.2017 passed by the 3rd respondent in Ma.se.Thu.Na.Ka.No.F03/3801/2017 and consequently direct the



W.P.No.33855 of 2018

respondents herein to jointly and severally pay compensation of Rs.10,00,000/- with 18% interest from the date of receipt of the petitioner's representation dated 02.09.2017, for the death of the petitioner's son Karthik on 12.08.2017 due to electrocution caused by the negligence of the first respondent and improper medical treatment of respondents 2 and 3 and pass orders.

For Petitioner	: Mr.D. Jayasekar for Ms.M.Meenakshi
For Respondent- 1	: Mr.R. Jai Venkatesh Standing Counsel
For Respondent -2	: Mr.K. Tippusulthan Government Advocate
For Respondent -3	: Mr.S. Gopinathan

ORDER

The petitioner has filed this writ petition to quash the communication dated 30.11.2017 passed by the 3rd respondent in Ma.se.Thu.Na.Ka.No.F03/3801/2017 and consequently direct the respondents herein to jointly and severally pay compensation of Rs.10,00,000/- with 18% interest from the date of receipt of the petitioner's representation dated 02.09.2017, for the death of the petitioner's son Karthik on 12.08.2017 due to electrocution caused by the



W.P.No.33855 of 2018

negligence of the first respondent and improper medical treatment of respondents 2 and 3.

2. The case of the petitioner is that his elder son by name Karthik suffered severe burn injuries on 12.08.2017 and died. The reason for the death is that he had crossed a low lying transformer which was located next to the primary health Centre, Semmenchery. It is pertinent to note that there was no Doctor in the primary health center for more than 20 minutes when the petitioner went along with his son who was suffering from burn injuries. Neither the Doctor nor the ambulance arrived in the health center. Thereafter, the petitioner has arranged private auto and taken his son to another hospital, where he was declared as dead. The sum and substance of the case is that if the transformer is maintained in a proper manner and if the doctors would have treated his son immediately after the accident, he would have not lost his son. Hence, the petitioner made a representation on 02.09.2017 to the respondents seeking compensation of Rs.10,00,000/-. Pursuant to which the impugned order came to be passed, wherein the third respondent have rejected the claim made by the petitioner, which has given rise to this petition.



W.P.No.33855 of 2018

WEB COPY

3. The learned counsel for the petitioner submitted that due to the irresponsible act of the Government officials working under the respondents is the cause for the accident. The officials of the Electricity Department ought to have maintained the transformer in a safe manner and the Administration of the Health Department should ensure that the Doctors are available in each centres to attend emergency cases. Hence, the inaction on the part of the respondents is the cause for the accident. Hence, prays to allow this petition.

4. The learned standing counsel for the first respondent filed a counter wherein, it is been stated that the said transformer is existing in accordance with the safety guide lines as prescribed under the Rules. It has been further stated that the child was playing inside the premises of the Primary Health Care Centre during which he has come in contact with the said transformer, while he was trying to leap over the outside wall of the said health Centre where the alleged transformer exits. Hence they are not responsible for the accident.

5. The learned standing counsel appearing for the third respondent has also filed a counter, wherein it has been stated that petitioner's son



W.P.No.33855 of 2018

was examined by the duty doctors and only after analysing the pathetic and critical condition of the boy, the duty doctors had given the emergency treatment and instructed the petitioner to take the patient to Royapettah Hospital and they have also arranged for a Ambulance.

6. I have given anxious consideration to either side submissions and perused the materials available on record.

7. On a perusal of records it is seen that the first respondent/Electricity Board have not produced any records to show that the Transformer was existing in accordance with the safety guide lines as prescribed under the Rules and the Health Department/second and third respondents have also not produced any records to show that they have given treatment to the deceased.

8. This Court perused the relevant Government Order issued by the Electricity Department. (Per) (FB) TANGEDCO Proceedings No.6 dated 16th october 2019, wherein it has been stated for fatal accidents the compensation is enhanced to Rs.5,00,000/- which is payable to the victim



W.P.No.33855 of 2018

for the incidents reported on or after 29.07.2019.

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9. In view of the above, the first respondent is directed to pay a sum of Rs.5,00,000/- to the petitioner within a period of four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to approach the second and third respondents seeking for enhanced compensation in the manner known to law within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

02.07.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

To
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Tamil Nadu Generation and Distribution Corp.Ltd.,



W.P.No.33855 of 2018

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WEB COPY

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WEB COPY



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V.BHAVANI SUBBAROYAN,J.

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