



C.M.A(MD)No.879 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.879 of 2022
and
C.M.P.(MD).No.8427 of 2022

- 1.The Superintending Engineer,
Tamil Nadu Electricity Board,
No.1, Vallam Road,
Thanjavur District.
- 2.The Junior Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Thirukattupalli Post, Thiruvaiyaru Taluk,
Thanjavur District.
- 3.The Assitant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Nadukaveri Post,
Thanjavur District.

Vs.

- 1.M.Amutha
- 2.Saivaraj (died)
- 3.Minor. Abisheik

(Minor represented through her Guardian
Mother 1st Respondent)

... Appellants

... Respondents



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(Memo dated 15.02.2023 presented before the Court on 15.02.2023 is recorded as R2 died and R1 and R3, who are already on record, are recorded as LR's the deceased R2 vide Court order dated 15.02.2023 made in C.M.A.(MD) No.879 of 2022)

PRAYER: Civil Miscellaneous Appeal is filed under Section 30 of Workmen Compensation Act, to set aside the order dated 09.04.2020 passed in W.C.No.94 of 2011 on the file of the Workman Compensation Commissioner cum Joint Commissioner of Labour, Trichy.

For Appellant : Mr.B.Ramanathan
For R1 & R3 : Mr.G.Kannan
R3 : Minor represented by R1
R2 : Died

JUDGMENT

The Electricity Board has preferred this Civil Miscellaneous Appeal against the order passed by Workmen Compensation Commissioner cum Joint Commissioner of Labour. The contention of the claimants is that the deceased was electrocuted during the course of his employment as electrician, but the same is refuted by the Electricity Board.

2. On 02.07.2010, the deceased had electric shock, he was taken to the hospital immediately and he was under treatment. Subsequently, the victim



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succumbed to the injuries and died on 27.08.2010, after nearly two months. The contention of the Electricity Board is that the deceased died nearly two months from the date of accident and hence it cannot be considered that the victim died due to electrocution and also it cannot be considered that the victim died during the course of employment. Moreover, the claimants have not carried out any postmortem, hence, it cannot be believed that the deceased died due to electrocution.

3. But the said contention of the Electricity Board cannot be accepted, since the fact remains that the deceased had electric shock and the burn was assessed as more than 50%. Therefore, there is all possibility that the deceased would have died due to burns of electric shock only. Further, postmortem was not conducted cannot be a ground to decline compensation, but a portion of the amount may be deducted. Moreover, the compensation awarded by the Tribunal is Rs.5,57,510/- along with 12% interest. Even if a non-employee dies due to electrocution, as per the B.P. proceedings, the Electricity Board would grant a compensation of Rs. 5,00,000/-. Therefore, considering the same, this Court is of the considered opinion that the Tribunal has granted a just and fair compensation. This Court is not inclined to interfere with the order passed by the Tribunal.



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4. The accident happened on 02.07.2010 and the impugned order was passed on 09.04.2020. The appellant Board has already deposited Rs.5,57,510/- (award amount without interest) on 23.02.2021. The Workman Compensation Commissioner had directed to deposit the interest at the rate of 12% per annum from 02.07.2010 (date of accident) to 23.02.2021 (date of deposit) to the credit of Joint Commissioner of Labour, Tiruchirapalli. Since the claimants had not carried out any postmortem, this Court is reducing the interest amount. Therefore, this Court is directing the Electricity Board to deposit 70% of the interest amount alone within a period of eight weeks from the date of receipt of a copy of this judgment. Hence, the total compensation amount granted by the Tribunal is confirmed but the interest portion alone is reduced by this Court as stated supra.

5. The 2nd respondent herein died and this Court had recorded vide order dated 15.02.2023 that the 1st respondent and the 3rd respondent are the legal heirs to 2nd respondent. Therefore, the 1st and 3rd respondents are entitled to the compensation amount. Both the claimants are entitled to equal share. The 1st claimant is permitted to withdraw her share. The Workmen Compensation Commissioner is directed to deposit the minor's share in any interest accruing deposit in any one of the Nationalized Bank until the child attains majority. The first respondent herein, who is the mother/guardian, is permitted to withdraw the



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interest amount once in three months. Once the minor claimant attains majority, the claimant shall withdraw his share with proportionate accrued interest.

6. With the above said observation, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2024

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

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To

1.The Workman Compensation Commissioner cum
Joint Commissioner of Labour,
Trichy.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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