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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14591 of 2022

T.Parthiban ...Petitioner

Vs

1.The Superintending Engineer,
TANGEDCO,
Ramanathapuram Electricity Distribution Circle,
Ramanathpuram District.

2.The Executive Engineer,
TANGEDCO,
Distribution / Ramanathapuram,
Ramanathapuram District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarifed Mandamus, to call for the records pertaining to the impugned order in No.002961/Ni.A/Ni.Pi.3/U.Tha.1/Ko.MR1/2022, dated 27.05.2022 on the file of the first respondent and quash the same as illegal and consequently to direct the first respondent to provide necessary compensation towards the medical expenses in pursuance to the electrocution while in service within the time stipulated by this Court.

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For Petitioner : Mr.S.Louis

For Respondents : Mr.B.Ramanathan
Standing Counsel

O R D E R

Heard Mr.S.Louis, learned counsel for the petitioner and Mr.B.Ramanathan, learned Standing Counsel for the respondents.

2. This Writ Petition has been filed seeking to quash the order of the first respondent dated 27.05.2022 and with a consequential direction to the first respondent to provide necessary compensation towards the medical expenses, in pursuance to the electrocution, to the petitioner while he was in service.

3. Mr.S.Louis, learned counsel for the petitioner submitted that on 08.01.2022 at about 9.00 A.M., the petitioner, who was working as Gangman (Trainee) in the Respondent Department, had met with an accident of electrocution while he was on duty. The petitioner was immediately admitted in the Government Hospital and thereafter shifted to Kenett hospital where he had undergone treatment for 38 days by

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incurring the medical expenses around Rs.7,00,000/-. However, the petitioner sought for compensation of Rs.5,32,114/- with all bills and documents from the first respondent. In pursuance thereof, the first respondent passed the impugned order dated 27.05.2022 by directing the petitioner to approach the District Level Empowered Committee to get the reimbursement under the National Health Insurance Scheme.

4. Mr.S.Louis, learned counsel for the petitioner also submitted that the petitioner has not taken any treatment for illness, but he was admitted in the hospital in view of electrocution suffered by him while he was on duty in the Respondent Corporation. So, it is the duty of the Department to provide the compensation towards the medical expenses. As per (Per) FB TANGEDCO Proceedings No.22, (Secretariat Branch) dated 06.05.2013, the employees who sustained accidents while on duty leading to treatment in any hospital are entitled to get the entire cost of medical treatment incurred by them and the same was followed in the case of one M.Vijayakumar, Gangman (Trainee) who was electrocuted and the treatment amount of Rs.4,00,836/- has been sanctioned and disbursed.

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5. Even though the employees of TANGEDCO are brought under the National Health Insurance Scheme, the reimbursement of expenditure in case of accident to the employees occurred while performing their duties as issued in the proceedings of TANGEDCO dated 06.05.2013, has not been taken away. This is because of the risk being put by the employees of TANGEDCO, as they are working near the electricity wires and high tension equipment which loaded electricity and all such similar circumstances. Having that in mind, the TANGEDCO had issued proceedings No.22, dated 06.05.2013, considering it necessary to bear the entire costs of the medical treatment incurred by the employees, in case they suffered injuries due to the accidents in the following manner:

(i) While performing duty;

(ii) While travelling from his residence to office to perform the duty;

(iii) While returning from office to his residence after performing his duty.

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6. It is understandable that if the petitioner had suffered with any illness due to disease and for which he had taken treatment, he has to make his claim under National Health Insurance Scheme. But the petitioner had suffered electrocution while performing his duty. The respondents ought to have implemented its own scheme contemplated under the TANGEDCO proceedings No.22 dated 06.05.2013.

7. Since the first respondent had not understood the implication of the TANGEDCO proceedings No.22 dated 06.05.2013 and the National Health Insurance Scheme, and passed the impugned order, even though the petitioner cited the case of one Vijayakumar as a precedent, the impugned order in my view appears to be an insensitive and hence it is liable to set aside. As the respondents did not deny the fact that the petitioner is working as Gangman (Trainee) in the Respondent TANGEDCO and that he had suffered electrocution while he was performing his duty. There need not be any second thought in the minds of the respondents to sanction the amount spent by the petitioner towards medical treatment for the injuries sustained by him due to electrocution, while he was on duty.

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8. In view of the above stated reasons, this Writ Petition is **allowed** and the impugned order in No.002961/Ni.A/Ni.Pi.3/U.Tha. 1/Ko.MR1/2022, dated 27.05.2022 is hereby quashed. The first respondent is directed to pass orders with regard to compensation towards the medical expenses incurred by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

12.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

1.The Superintending Engineer,
TANGEDCO,
Ramanathapuram Electricity Distribution Circle,
Ramanathpuram District.

2.The Executive Engineer,
TANGEDCO,
Distribution / Ramanathapuram,
Ramanathapuram District.

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R.N.MANJULA, J.

Nsr

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