



C.M.A(MD)No.1033 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1033 of 2021

and

C.M.P.(MD)No.9710 of 2021

1.The Assistant Engineer,
Tamil Nadu Electricity Board,
A.Thekkur, Thirupathur Circle,
Sivagangai District.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Sivagangai District.

... Appellants

Vs.

1.Palani Meenal
2.Sowmiya
3.Achaya
4.Oviya
5.Minor Udhaya

***(Minor R5 represented through her
Guardian Mother 1st respondent)***

***(Minor respondents 2 to 4 are declared
as major and the guardianship of their
Mother / 1st respondent is discharged,
vide Court order, dated 20.09.2022,
made in C.M.P.(MD)No.3270 of 2022
in C.M.A.(MD)No.1033 of 2021)***

... Respondents



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PRAYER: Civil Miscellaneous Appeal is filed under Section 30 of Workmen Compensation Act, to set aside the order, dated 22.07.2019, passed in W.C.No.126 of 2016 on the file of the Workman Compensation Commissioner, Madurai.

For Appellants : Mr.B.Ramanathan
For R1 to 4 : Mr.R.Paranjothi
R5 : Minor represented by R1

JUDGEMENT

The TANGEDCO has preferred this Civil Miscellaneous Appeal.

2. The contention of the appellants is that the deceased person was working under a contractor, he is not a direct employee of TANGEDCO and there is no employer-employee relationship between the deceased and the TANGEDCO. The TANGEDCO has disclosed the name of the contractor, even then the Joint Commissioner has come to the conclusion that TANGEDCO is the principal employer and hence TANGEDCO is liable to pay the amount. Aggrieved over the same the present appeal is preferred.

3. It is seen that the Commissioner had fixed the compensation for electrocution death as Rs.7,73,560/- along with interest. Generally, the TANGEDCO would pay Rs.5,00,000/- for any electrocution death based



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on their BP proceedings as 'no fault liability'. In the present case, the Joint Commissioner had fixed only Rs.7,73,560/- based on evidence and hence, this Court is of the considered opinion that the said amount is just and fair compensation. Therefore, this Court is not inclined to interfere in the impugned order.

4. However, the appellants submitted that on the death of the deceased, already Rs.2,00,000/- has been paid as compensation. The Commissioner has also taken the said fact into account, discussed the same, but failed to deduct the said Rs.2,00,000/-. Therefore, this Court is inclined to accept the said plea. It is seen that the appellant has deposited Rs.12,13,983/- along with interest before the Joint Commissioner of Labour. From the said deposited amount Rs.2,00,000/- shall be deducted and the balance is payable to the claimants. In such circumstances, the claimants are entitled to withdraw Rs.10,13,983/- and the balance Rs. 2,00,000/- shall be withdrawn by the appellants. If Rs.12,13,983/- was deposited in an interest accruing account, the claimants are entitled to withdraw the proportionate interest accrued for Rs.10,13,983/-, if any,



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and the appellants are entitled to withdraw the interest accrued for Rs. 2,00,000/-, if any.

5.The claimants 1 to 5 are entitled to withdraw Rs.2,13,983/-, Rs. 2,00,000/-, Rs.2,00,000/-, Rs.2,00,000/- and Rs.2,00,000/- respectively, with proportionate accrued interest, if any. The Workman Compensation Commissioner is directed to deposit the share of the minor child in a nationalized bank until the child attains majority. The first respondent herein, who is the mother/guardian, is permitted to withdraw the interest amount once in three months. On attaining majority, the 5th respondent is entitled to withdraw the same.

5. Hence, the impugned order is modified as stated supra and the Civil Miscellaneous Appeal is partly allowed on above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2024

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



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To
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1. Workman Compensation Commissioner,
Madurai.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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