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WP No. 20673 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

W.P. No. 20673 of 2023

1. T.Vijayakumari
W/o.Late S.Thirunavukkaasu, No.13,
Adhikesavalu Street Chinthadripet,
Chennai- 600 002.

Petitioner(s)

Vs.

1. The Secretary
Health And Family Welfare
Department, Chennai, Tamil Nadu.

2.The Dean
Rajiv Gandhi Government General
Hospital Poonamallee High Road,
Chennai.

3.The Resident Medical Officer
Rajiv Gandhi Government General
Hospital, Poonamallee High Road,
Chennai.

4.The Inspector Of Police
C-4, Government Hospital Police
Station, Rajiv Gandhi Government
General Hospital, Poonamallee High
Road, Chennai.

Respondent(s)



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The Writ Petition has been filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to pay adequate compensation not less than Rupees Twenty Lakhs to the petitioner and her family who are the legal heirs of the petitioner's husband Late Mr.S. Thirunavukarasu, who succumbed to injuries by the falling of Air- Conditioner outdoor unit from the third floor of the Tower -2 Block of the 2nd respondent / Government Rajiv Gandhi Government General Hospital, Chennai on 12.04.2023, as the respondents 1 to 3 are liable for the negligence in not ensuring adequate safety measures, as such liable under Strict Liability Principle and as exemplary damages based on the representation of the petitioner dated 20.06.2023 within a time stipulated by this Court.

For Petitioner(s): Mr. M.Purushothaman

For Respondent(s): Mr.E.Sundaram
Government Advocate for R1 to R3

Mr. S. Balaji
Government Advocate (Crl.Side)

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to pay adequate compensation not less than Rupees Twenty Lakhs to the petitioner and her family who are the legal heirs of the petitioner's husband Late S.Thirunavukarasu, who succumbed to injuries by the falling of Air- Conditioner outdoor unit from the third floor of



the Tower -2 Block of the 2nd respondent / Government Rajiv Gandhi

Government General Hospital, Chennai on 12.04.2023, as the respondents 1

to 3 are liable for the negligence in not ensuring adequate safety measures, as

such liable under Strict Liability Principle and as exemplary damages based on

the representation of the petitioner dated 20.06.2023 within a time stipulated by

this Court.



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2. The learned counsel for the petitioner submits that the petitioner's husband was working as a Theatre Technician in the 2nd respondent Hospital and retired on superannuation in the month of August, 2014. Appreciating his past experience and the unblemished service rendered to the 2nd and 3rd respondents Hospital, he was re-employed as a contract employee on a consolidated salary of Rs.10,000/- per month and posted in the Chief Minister's Insurance Scheme Wing as Theatre Technician.

3. He further submits that on 12.04.2023 at about 12.30 p.m., the petitioner's elder son namely, T.Janagarajan received a phone call from the Government Hospital informing him that his father had been trampled by the heavy fall of an air-conditioner outdoor unit from the third floor in the hospital premises and immediately, the petitioner's husband was taken for emergency treatment. However, at about 04.00 p.m, the petitioner's husband succumbed to the injuries. Thereafter, the 4th respondent/ Law Enforcement Agency registered



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a case in Crime No.29 of 2023 and hence, the present Writ Petition is filed seeking compensation for the death of the petitioner's husband.

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4. It is an admitted fact that the petitioner's husband was employed as a contract employee after his retirement in the 2nd and 3rd respondent, and it is also admitted that at the time of employment in the hospital, the air conditioner outdoor unit had fallen down due to the improper maintenance by respondent Nos.1 to 3, thereby crushing the petitioner's husband's head, resulting in his death in the hospital.

5. It is undisputed fact that the petitioner is the contract employee. During the employment, for improper maintenance of respondent Nos.1 to 3, the air-conditioner had fallen on his head and succumbed to the injuries, in which, the respondent Nos.1 to 3 are liable to pay compensation to the petitioner. Accordingly, he prayed for reasonable compensation.

6. The learned counsel appearing for the respondents would strongly object for the compensation, by reiterating the counter affidavit filed by respondent Nos.2 and 3. The relevant paragraphs of the counter affidavit read as



follows:-

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"2. I humbly submit that the averment stated in the affidavit that not ensuring adequate safety measures in the hospital premises, because of which on 12.04.2023 the Window Air Conditioner unit from the 3rd floor of the Tower 2 Block of this hospital fell on the petitioner's husband, S. Thirunavukkarasu, and trampled him to death is incorrect and misleading. I humbly submit that maintenance of the hospital buildings are done by the PWD authorities. I humbly submit that, for the sudden incident of death of a contract employee, an enquiry committee has been constituted by the Dean, to enquire the said issue and to submit report. Three Doctors consisting of Medical superintendent and two professors working in Rajiv Gandhi Government General Hospital, Chennai were the members of the committee and they have been instructed to do enquiry. The said enquiry committee inspected the Room No.232F, Rajiv Gandhi Government General Hospital, Chennai on 17.05.2023 and noticed that partial Civil and Electrical works were carried out. A Portion of the aluminium partition was kept against the wall, where the AC was fixed. Based on the circumstantial evidence and oral statements of the technical persons and workers, probably while doing the civil renovation work done over a month, the Window Air Conditioner had fallen down due to loosening of the screws on the wooden mount and the enquiry committee concluded that there is no apparent evidence for negligence or deliberate act.

3. I humbly submit that the averment stating that the experience of the petitioner husband and the need for his services, he was reemployed on contract basis on a consolidated salary of Rs. 10,000/- per month by this hospital and posted in the Chief Minister's Insurance Scheme Wing as theatre technician. I am to state that as per the norms of the Chief Minister's



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Comprehensive Health Insurance Scheme, employees works on consolidated salary basis on their own willingness.

4. I humbly submit that the averment stating that the petitioner's son, T. Janagarajan received a phone call from this hospital that the petitioner's husband was trampled by the heavy fall of an Air-Conditioner from the third floor of this hospital premises and that he was being rushed for emergency treatment and the petitioner's son immediately rushed to the hospital, but he was not able to see his father as doctors were performing emergency treatments for the deceased petitioner's husband, and after about two hours at 4 pm the petitioner's elder son and daughter also rushed to the hospital and were waiting outside the operation theatre and around 4 pm they informed that the petitioner's husband succumbed to injuries. In this connection I humbly submit that from this narration itself it is very clear that the Hospital Doctors had given utmost care to save the life of the deceased Thiru.S. Thirunavukkarasu, and the writ petitioner agrees with the same

5. I humbly submit that the averment stating that the petitioner's husband after signing off from his 6 am to 12 pm shift that, he came out, and at that time a lady with a two year old child was standing on the pathway below the building and he advised the lady not to stand there as emergency ambulances will be rushing through that place and emergency patients will be brought by the ambulances, and the moment the lady and the child moved suddenly a heavy window Air-Conditioner unit from the third floor crashed on his head and he was trampled by the sudden impact. I humbly submit that petitioner's husband duty time was over at 12pm itself and the accident occurred at 12.30pm and immediately he was shifted to the casualty which is very near to the place of occurrence and appropriate treatment was given.



7. I humbly submit that I strongly deny the averment stating that because of the failure to ensure safety measures both on the third floor as well as on the ground immediately below is an act of gross negligence that led to the gory death of petitioner's husband, and petitioner's family and the petitioner cannot reconcile themselves to the thought of the excruciating pain he would have endured. I humbly submit that necessary safety measures are taken as per the Government instructions to be followed in Government hospitals. The buildings are maintained by the PWD authorities in a regular manner.

8. I humbly submit that, the petitioner made representation by RPAD on 17.06.2023 for payment of compensation. I humbly submit that necessary safety measures were taken as per the government instructions and by the PWD authorities while making maintenance works in this hospital and necessary communication was made to Directorate of Medical Education & Research regarding this issue vide this office Letter Ref. No.016282/P&D/2023. Dated: 11.07.2023."

7. Heard the learned counsel appearing for the petitioner as well as the respondents and perused the materials placed before this Court.

8. The undisputed facts, as per the counter affidavit filed by the respondents, clearly reveal that the petitioner's husband, after his retirement, was re-employed as a contract employee in view of the earlier services rendered by him. It is also admitted fact that on 12.04.2023, the window air conditioner



unit from the third floor of the tower of respondent Nos.2 and 3 hospital had fallen on the petitioner's husband, resulting in his instantaneous death. Though respondent Nos.2 and 3 claimed that the entire building was handed over to the P.W.D maintenance, the window air conditioner fell on the petitioner's husband due to loosening of the screws. No proof has been filed before this Court to substantiate that the maintenance contract was indeed given to the P.W.D. Even assuming that the P.W.D is maintaining the hospital, the duty is cast upon respondent Nos.2 and 3 to ensure the safety of the patients as well as the employees, whether permanent or contractual.

9. Respondent Nos.2 and 3 themselves admitted in the counter affidavit that due to loosening of the screws of the wooden mount, the window air conditioner fell on the petitioner's husband. This amounts to clear negligence on the part of respondent Nos.2 and 3 resulting in the death of the petitioner's husband.



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10. It is to be pointed out that even in respect of Motor Accident cases, the Supreme Court had fixed the concept of notional income, where income could not be established. However, in the case on hand, the petitioner's husband was receiving a monthly salary of Rs.10,000/-, which stands established and had it been a Motor Accident case, the ratio laid down in the case of ***Sarala Varma and Ors. Vs. Delhi Transport Corporation & anr. [2009 (6) SCC 121]***, would have been attracted, whereby multiplier method would have been adopted and applying the multiplier method, the proper multiplier to be adopted in the present case would be '5' as the deceased was aged 66 years and the compensation could have been computed at Rs.6,00,000/-. This case not being a motor accident case, nevertheless the ratio laid down in the said case would stand attracted and just and reasonable compensation ought to be paid to the petitioner, who is the wife of the deceased.

11. In the aforesaid circumstances, considering the facts and circumstances of the case and the fact that the deceased had succumbed to the



injuries, which he sustained in the course of his employment, even be it contractual nature, respondent Nos. 2 and 3, who had employed him necessarily, ought to compensate the petitioner for the loss suffered. This Court, exercising its extraordinary jurisdiction and adopting the ratio laid down in ***Sarala Varma case (supra)***, is inclined to direct respondent Nos. 2 and 3 to pay a compensation of Rs.5,00,000/- to the petitioner.

12. For the reasons aforesaid, this Writ Petition is allowed with a direction to respondent Nos.2 and 3 to pay a compensation of ***Rs.5,00,000/- (Rupees Five Lakhs Only)*** to the petitioner, within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

18-11-2025

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To

1.The Secretary
Health And Family Welfare
Department, Chennai, Tamil Nadu.



2.The Dean

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