



W.A(MD).No.1189 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.11.2025

PRONOUNCED ON : 25.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD).No.1189 of 2020

and

CMP(MD).No.6458 of 2020

The Superintending Engineer
TANGEDCO, Virudhunagar Distribution Circle
Virudhunagar District

...Appellant/ 2nd Respondent

Vs

1.G.Sendhattikalaipandian
195, West Street
Sundangulam, Alangulam
Virudhunagar District

....1st Respondent/Writ Petitioner

2.The Inspector of Police
Alangulam Police Station
Virudhunagar District

...2nd Respondent/1st Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 02.11.2020 passed in WP(MD).No.15166 of 2020.



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For Appellant : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by Mr.S.Arivalagan
Standing Counsel

For Respondents : No appearance

J U D G M E N T

(Made by **R.VIJAYAKUMAR,J.**)

The second respondent/TANGEDCO in WP(MD).No.15166 of 2020 has preferred this writ appeal challenging the order dated 02.11.2020.

2.The writ petitioner's son came in contact with a live overhanging wire at about 9.30 a.m on 07.10.2020 and he got electrocuted and died on the spot. An F.I.R was registered in Crime No.355 of 2020 on the file of the Alangulam Police Station for the offence under Section 304(2) of I.P.C. Against unknown officials of the Electricity Board.

3.The writ petitioner had sent a mail to the Registrar (Judicial) and the writ Court had directed to number the mail as a writ petition and TANGEDCO and jurisdictional police were impleaded as parties.

4.The learned Standing Counsel appearing for the Electricity Board had contended that due to bird hits and rodent interference, such mishaps had occurred. The Electricity Board officials cannot be accused of having been negligent at all. He had further submitted that they have already disbursed a



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sum of Rs.5,00,000/- as per the compensation policy of TANGEDCO.

However, the writ Court had directed to enhance the compensation amount based upon the formula that is applicable to the Motor Vehicle Accident Cases. Accordingly, the Writ Court had enhanced the compensated to Rs.13,86,000/-. This portion of the order has already been complied with by TANGEDCO by disbursing the compensation amount of Rs.13,86,000/-.

4.The writ Court had further proceeded to direct the Electricity Board to offer the job of Junior Assistant on compassionate grounds to the second son of the writ petitioner on the special facts and circumstances of the case. The writ Court had relied upon “Polluter Pay” principle and proceeded to issue a direction to TANGEDCO to provide compassionate appointment to the second son of the writ petition. The second part of the order under which a direction was issued to provide compassionate appointment is under challenge in the present writ appeal.

5.The learned Additional Advocate General appearing for the appellant Corporation submitted that after paying compensation to the family of the deceased person, a direction cannot be issued to provide compassionate appointment invoking Article 226 of Constitution of India. He had further submitted that only if any one of the employees of TANGEDCO died in harness, compassionate appointment could be provided to any one of his legal heirs. When the writ petitioner's son is not an employee of the Electricity



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Board, the question of providing compassionate appointment to a third party who had passed away due to electrocution does not arise. As per the settled policy of the Electricity Board, a fixed compensation of Rs.5,00,000/- is being paid. However, as a special case, the enhanced compensation of Rs. 13,86,000/- has already been paid to the family of the deceased person. That apart, the family of the deceased has not pointed out any indigent circumstances to claim compassionate appointment. When the deceased person was not an employee of the Electricity Board, the service regulation do not permit for granting compassionate appointment. Hence, he prayed for allowing the writ appeal.

6.Though notice was served upon the first respondent/writ petitioner and his name is printed in the cause list, he has neither appeared in person nor engaged a counsel.

7.We have considered the submissions made on the side of the appellant and perused the material records.

8.It is settled position of law that the compassionate appointment can be granted only to the legal heirs of an employee who had died in harness. If a person is not an employee and he had got injured or died due to electrocution, he would only be entitled to compensation.

9.The writ Court has invoked the formula that is followed in the Motor Accident Claim cases. Whenever a person dies due to motor accident, his



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family receives compensation and they will not be eligible to get any compassionate appointment. At the time of calculating the compensation, the loss of income of the deceased person is also taken into account as one of the components while calculating compensation. When the writ Court has arrived at a compensation based upon the motor accident claim formula, the component of the loss of income of the deceased person has also been taken factored into. In such circumstances, providing compassionate appointment to one of the family members of the deceased would only amount to double compensation.

10.The issue of compassionate appointment in the State of Tamil Nadu is governed by G.O.Ms.No.18, Labour and Employment Department dated 23.01.2020. It does not provide for granting compassionate appointment to the family members of an non-employee. The payment of compensation is based upon tortious liability of TANGEDCO. In such circumstances, apart from payment of compensation, the members of the deceased family would not be entitled to seek for compassionate appointment when the same is not covered by any of the Service Rules.

11.In view of the above said deliberations, we are inclined to set aside the order of the writ Court wherein a direction has been issued to provide compassionate appointment to the second son of the writ petitioner. As far as the order of writ Court relating to payment of compensation is concerned, it



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stands confirmed.

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12.In the result, the writ appeal is partly allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K.J.,)

(R.V.J.,)

25.11.2025.

Index :Yes/No
Internet :Yes/No
NCC : Yes/No
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**C.V.KARTHIKEYAN,J.
AND
R.VIJAYAKUMAR,J.**

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Pre-delivery Judgment made in
W.A(MD).No.1189 of 2020
and
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