



ABSTRACT

Compensation – W.P. No.19989/2004 filed by Tmt.T.Santhimathi, W/o. Loganathan, Vadapakkam, Chidambaram Taluk, Cuddalore District before the High Court of Madras – Judgement delivered – Compensation Rs.1,50,000/- - Sanctioned – Orders – Issued.

HEALTH AND FAMILY WELFARE (A2) DEPARTMENT

G.O.(2D).No.15

Dated 21.02.2014

விஜய, மாசி- 9

திருவள்ளூர் ஆண்டு-2045

Read:

- 1) Orders of the Hon'ble High Court of Madras dated 18.3.2013 in W.P. No.19989/2004.
- 2) From the Director of Medical and Rural Health Services 27292/E7/1/2013, dated 27.8.2013.

ORDER:

One, Tmt. T.Santhimathi admitted his daughter Selvi. Tamilmathi aged 5 years at Government Hospital, Chidambaram on 10.5.2004 at 9.40 A.M. for Tonsil Operation and the same was performed on the same day and after the surgery at 1.30 P.M. on the same day the child expired. Hence, Tmt. T.Santhimathi, W/o. Loganathan, Vadapakkam, Chidambaram Taluk, Cuddalore District filed a Writ Petition (W.P.No.19989/2004) before the High Court of Madras with a prayer to pay a sum of Rs.5.00 lakhs as compensation for the death of her daughter Tamilmathi aged about 5 years on 10.5.2004 at Government Hospital, Chidambaram due to the improper treatment.

2. In its order first read above, the Hon'ble High Court of Madras has passed final orders as follows:

"It is clearly established that the death is due to the negligence on the part of the doctors. It is needless to say that it is for the Government to provide adequate equipments and qualified Anaesthetist in the Government Hospital. Therefore, the respondents 1 and 2 are liable to pay compensation to the petitioner.

Insofar as the quantum is concerned, since the loss of life of child had happened, I am inclined to fix a sum of Rs.1,50,000/- (Rupees One lakh fifty Thousand only). Accordingly, the first respondent state is directed to pay the said compensation within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs."

3. In his letter dated 19.7.2013, the Government pleader has opined that this is not a fit case for filing Writ Appeal. In his letter second read above, the Director of Medical and Rural Health Services has concurred with the opinion of the Government Pleader and sent necessary proposal to Government and requested the

Government to sanction compensation amount of Rs.1,50,000/- to the individual Tmt. T. Shanthimathi.

4. The Government have examined the orders passed by the High Court of Madras in W.P.No.19989/2004, dated 18.3.2013 along with the request of the Director of Medical and Rural Health Services. After examination, this department has decided to implement the orders of the High Court of Madras. Accordingly, the Government sanction a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) as compensation to Tmt.T.Santhimathi for the loss of life of her child.

5. The amount sanctioned in para 4 above shall be debited to the following Head of Account :

2210 – Medical and Public Health – 01 Urban Health Services – Allopathy
– 110 – Hospitals and Dispensaries – I – Non – Plan – AA District
Headquarters Hospitals – 51 compensation – 02 – Other Compensation
(Charged) DPC: (2210 – 01 – 110 – AA 5129)

6. Necessary funds will be provided in the Final Modified Appropriation 2013-14. Pending provision of funds, the Director of Medical and Rural Health Services is authorized to draw and disburse the amount sanctioned in para 4 above. The Director of Medical and Rural Health Services is directed to include this item of expenditure while sending the budget proposals for Final Modified Appropriation 2013-14 to Government in Finance Department without fail.

7. This order issues with the concurrence of Finance Department vide its U.O.No.7139/HII/2014, dated 17/2/2014 and ASL No. 2852 (Two thousand eight hundred and fifty two).

(BY ORDER OF THE GOVERNOR)

J. RADHAKRISHNAN
SECRETARY TO GOVERNMENT.

To

The Director of Medical and Rural Health Services, Chennai – 600 006.
The Joint Director of Health Services, Cuddalore.
The District Collector, Cuddalore.
The District Treasury Officer, Cuddalore.
The Hospital Superintendent, Government Hospital, Chidambaram.
Tmt. T.Santhimathi, W/o. Loganathan, Vadapakkam, Chidambaram Taluk,
Cuddalore District.

-through the Joint Director of Health Services, Cuddalore.

The Accountant General (A&E), Chennai – 600 018.
The Accountant General (Audit), Chennai – 600 018.
The Resident Audit Officer, Chennai – 600 009.

Copy to :

The Finance (Health II/BGII) Department, Chennai-600 009.
Stock file / Spare copy / Data Cell.

// FORWARDED / BY ORDER //


SECTION OFFICER