



## ABSTRACT

Compensation – Compensation to patients affected by Hepatitis “C” virus infected while undergoing Dialysis treatment in Government Stanley Medical College Hospital, Chennai – Implementation of the Interim Orders of Hon’ble High Court of Madras - Orders - Issued.

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### HEALTH AND FAMILY WELFARE (H1) DEPARTMENT

G.O.(Ms) No.206

Dated:20.07.2015  
Thiruvalluvar Aandu- 2046.  
Manmatha – Aadi-04.

Read:-

Interim Orders of Hon’ble High Court of Madras dated: 27.02.2015,  
20.04.2015 and 29.06.2015 in W.P. No.5228/2015.

#### ORDER:

Based on certain complaints received that the patients who underwent Haemodialysis at the Haemodialysis unit of Government Stanley Medical College Hospital, Chennai have been infected with Hepatitis C, an Enquiry Committee was constituted to find out the reasons for the outbreak of infection at the above Hospital. The Enquiry Committee has furnished its report concluding as extracted below:-

**“In our considered opinion, there is no willful negligence on the part of Nephrology Department, but certainly, there is a lack of a robust and ‘fool proof’ mechanism to vigilantly monitor for inadequacies in infection control measures.”**

2. Meanwhile, one individual namely Thiru.Jayaram Venkatesan filed a Public Interest Litigation in W.P. No.5228/2015 before the High Court of Madras with the following prayers:-

- i. The Chief Doctor in charge of all affected patients are kept under suspension or transferred to a different location till completion of the inquiry.
- ii. Direct thorough examination and specialized treatment on priority, free of cost to all affected victims and award adequate compensation and to constitute an Expert Committee with a team of doctors and a retired High Court Judge to find the genesis of the spread of Hepatitis C Virus, in the Government Stanley Hospital, Chennai.

3. The Government in Health and Family Welfare Department has filed counter affidavit in the above writ petition duly defending the interest of the Government.

4. The Hon'ble High Court of Madras in its interim order dated 20.04.2015 in the above writ petition among others has ordered as extracted below:-

"In the context of the aforesaid naturally a question which arises is the extent of compensation to be paid to the suffering patients, over which the respondent are conveniently silent, despite a specific direction in our order dated.27.02.2015. We expect that before the next date, adequate interim compensation would have been paid to the affected patients, failing which the deponent of the affidavit, the Secretary concerned shall remain personally present in Court".

5. The Government have considered the orders issued for payment of compensation by the Government in instances life death and infirmity due to flood and other natural calamities like fire, wild life attack, in the light of the orders of the Hon'ble High Court of Madras. Though the committee constituted, did not find fault in the action of the Doctors or other Staff for the HCV infection during the course of dialysis to some of the patients, in Government Stanley Medical College Hospital, Chennai, the Government have decided to consider the sixteen patients who were alleged to have suffered HCV infection and to sanction payment of compensation to them as a special case.

6. The Government accordingly sanction a sum of Rs.3.00 lakhs (Rupees three lakhs only) as compensation for each of the following 16 persons (amounting to a total sum of Rs.48.00 lakhs only) who were alleged to have been infected by HCV during the course of dialysis in the Government Stanley Medical College Hospital, Chennai, as per the interim orders of the Hon'ble High Court in W.P.No.5228/2015, dated.20.04.2015, or to the dependents of patients in case if the patient is deceased as a special case:

- a. Thiru.U.Bakkiyaraj, II 63, Major Saravanan Salai, Kargil Nagar, Thiruvottriyur, Chennai-19.
- b. Thiru.C.Arul, S/o Chinnaiyan, Chandrapatti, Vellalapatti (Post), Uthangarai Taluk, Krishnagiri District.
- c. Tmt.B.Kumutha, C/o.K.Dhayalan, 11,Jagannatha Street, Medavakkam, Chennai.
- d. Tmt.V. Jayalakshmi W/o V. Tamilselvan, 12/22A, Kavi Street, Kamban Nagar, Madhavaram Paal Pannai, Chennai-51.
- e. Tmt. R. Gajalakshmi W/o V. Rajiv, 109, Walltax Road, Poonga Nagar, Chennai-3.
- f. Thiru. A. Manishankar S/o Arumugam, 1/102, Hosur Amman Koil Street, Padappai – 601 301.
- g. Thiru. K. Samsudeen S/o K. Kamalbasha, 269, Lingu Chetty Street, Mannady, Chennai-1.
- h. Thiru.B.Koteeswaran, S/o.Balasubramaniam, 73, Sundharampillai Nagar, 1<sup>st</sup> Street, Tondiarpet, Chennai.
- i. Thiru. V. Maruthai S/o Vaiyaburi, 16/47, South Pallam, Thogai Malai, Kulithalai Taluk, Karur District.
- j. Thiru. M. Mahalingam S/o Mannangatty, 22, Devi Karumariamman Temple, Murukkam, Devi Mangalam (Post), Vaanoor (Taluk), Villupuram District.

- k. Thiru. P. Lenin Kumar S/o Ponnuswamy, Kondampatti, Maarampatti (Post), Uthangaraj, Krishnagiri (District).
- l. Thiru. R. Karthikeyan H/o Tilakavathi, 174 /107 Magaadhaana Veethi, Thiruvaidaimarudhur, Kumbakonam, Thanjaur District -612 104
- m. Thiru. V. Pandian, 4A, Thenvadal, Rajapalayam Street, Keezhpalam, Mannarkudi, Thiruvaaroor District.
- n. Thiru. S. Baskar S/o Subramanian, No.7/226, Thandumariyamman Kovil Street, Cantonment, Pallavaram, Chennai-43.
- o. Thiru. P. Venkatesan S/o Padmanaban, 32/55, Aranjaan Street, Mandaiveli, Chennai.
- p. Thiru.-Ramesh, S/o.Sivalingam, No.4, Vallar Street, Manjakaveri (V), Periyapalayam (Via), Thiruvallur – 601 102.

and orders accordingly.

7. The amount towards payment of compensation shall be debited to the following head of account:-

"K. Deposits and Advances – (b) Deposits not bearing interest – 8443-00 Civil Deposits – 800. Other Deposits – AU Corpus Fund for payment of Compensation awarded by courts on the cases filed against Government Doctors."  
(DPC.8443 00 800 AU 0003 (outgo.)

8. The Director of Medical Education, Chennai-10 is authorized to draw and disburse the compensation amount to the persons mentioned in para 6 above and in the case of patients who have expired, to their legal heirs, with valid proof of receipt.

9. This order issues with the concurrence of the Finance Department vide its U.O.No.119/ADS(Dr.PU)Health/2015, Dated.20.07.2015.

(By Order of the Governor)

J.RADHAKRISHNAN  
SECRETARY TO GOVERNMENT.

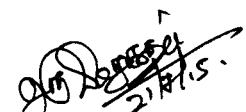
To

The Dean, Government Stanley Medical College Hospital, Chennai  
The Individuals through the Government Stanley Medical College Hospital, Chennai.  
The Director of Medical Education, Chennai – 600 010.  
The Commissioner of Treasury and Accounts, Chennai-35.  
The Accountant General (A&E)/ The Accountant General, (Audit), Chennai-18.  
The Treasury Officer, Pay and Accounts (North), Chennai-18.

Copy to:

The Chief Minister Office, Chennai-600 009.  
The Finance (Health-II) Department, Chennai – 600 009.  
The Health and Family Welfare (Data Cell) Department, Chennai-600 009.  
SF/SC.

// Forwarded By order//

  
Section Officer

  
21/7/15