



ABSTRACT

W.P (MD).No.1242 of 2005 Maternal and Child Health – Maternal Death – Death of Tmt. Alagumayil, D/o.V. Ramar – Compensation awarded for the Death of Mother and Child by the Hon'ble Madurai Bench of Madras High Court – Rs.6,86,041/- Sanctioned – Orders – Issued.

HEALTH AND FAMILY WELFARE (R1) DEPARTMENT

G.O.(D) No.07

Dated: 03-01-2014

Thiruvalluvar Aandu 2044,
VIJAYA, Margazhi 19.

Read:

1. From the Collector of Madurai R.oc.No.110818/RD-11/2008, Dated: 25.10.2013.
2. Contempt petition No.1496/13 in W.A.No.97/2010 in W.P.No.1242/2005 filed by Thiru V. Ramar.
3. From the Director of Public Health and Preventive Medicine Letter R.No.39659/ MCH -I /S1/2009, dated: 03.01.2014

ORDER:

In the reference read above, the Collector of Madurai District has informed that Tmt. Alagumayil, D/o.V. Ramar of Vandariar Village, Peraiyur Taluk of Madurai District was admitted at Government Primary Health Centre, Saptur on 20.7.2004 with Labour pain at 5.30 pm. The delivery was conducted by Staff Nurse and Auxillary Nursing Midwife of Saptur Primary Health Centre and the mother delivered a deeply asphyxiated baby. The baby died soon after delivery. Since the general condition of the mother was unstable, the medical condition of the mother was informed to the mother's relatives. The Staff Nurse who attended the night shift referred the mother to Government Hospital, Thirumangalam. Before the mother was taken to Government Hospital, Thirumangalam, the condition of the mother worsened and mother died at Primary Health Centre, Saptur because of postpartum hemorrhage due to atonic Uterus. He has also stated that Thiru V. Ramar father of the deceased mother sent petition to Deputy Director of Health Services, Madurai with the copy marked to District Collector and others complaining that proper treatment was not given to his daughter. Meanwhile, aggrieved over the death of the mother and child, the father of Tmt. Alagumayil, Thiru V. Ramar filed W.P. (MD) No.1242/2005, before Hon'ble Madurai Bench of Madras High Court seeking Rs.5 lakhs as compensation and impleaded the District Collector as third respondent. The Deputy Director of

Health Services, Madurai had filed counter affidavit for the averments made in the W.P (MD) No.1242/05.

2. The Collector of Madurai District has further stated that the Hon'ble Madurai Bench of Madras High Court in its judgement dated: 19.11.2009 for W.P (MD) No.1242/2005, awarded Rs.5 lakhs as compensation to Thiru V. Ramar. Against the order of awarding of compensation of Rs.5 lakhs by the Hon'ble Madurai Bench of Madras High Court, the Deputy Director of Health Services had filed writ appeal with stay petition. The Hon'ble Madurai Bench of Madras High Court vide order dated: 20.6.2010 granted interim stay and admitted the appeal filed by the Deputy Director of Health Services, Madurai vide W.A (MD) No.97/2010 for the award of compensation of Rs.5 lakhs. The Hon'ble Madurai Bench of Madras High Court while disposing the W.A (MD) No.97/2010 had upheld the earlier judgement of awarding of compensation of Rs.5 lakhs and ordered the District Collector, Madurai, the 3rd respondent to pay the compensation to Thiru V. Ramar with 9% interest from 19.11.2009 within 2 months from the date of receipt of the order vide judgement dated: 4.9.2013.

3. The Collector of Madurai District has further stated that in pursuance to the orders of the Hon'ble Madurai Bench of Madras High Court, the Deputy Director of Health Services, Madurai has requested the Collector, Madurai for payment of compensation. The Special Government Pleader of Madurai Bench of Madras High Court opined that the case is not fit for appeal.

4. The Collector of Madurai District has also stated that as per the orders of the Hon'ble Madurai Bench of Madras High Court the interest on the compensation amount of Rs.5 lakhs (9%) from 19.11.2009 to 13.8.2013 is worked out to Rs.1,68,030/- as mentioned below:

Compensation Rs.5,00,000/-

Interest = 5,00,000 x $\frac{365+365+365+268}{365}$ x 9% = 1,68,030/-

5. The Collector of Madurai District has therefore requested as per direction of the Madurai Bench of Madras High Court dated: 13.8.2013, the Government to sanction an amount of Rs.6,68,030/- (Rupees six lakhs sixty eight thousand and thirty only) towards payment of compensation to Thiru V. Ramar for the death of his daughter Tmt. Alagumayil.

6. The Director of Public Health and Preventive Medicine has now requested the Government to accord sanction for the payment of the Compensation amount of Rs.5 lakhs alongwith interest of Rs.1,86,041/- (at 9% per annum for 1509 days from 19.11.2009 to 5.1.2014)

7. The Government after careful consideration of the request of the Director of Public Health and Preventive Medicine sanction a sum of Rs.6,86,041/- (Rupees six lakhs eighty six thousand and forty one only) towards payment of compensation to Thiru V. Ramar for death of his daughter Tmt. Alagumayil as a special case.