

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

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The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.9878 of 2016

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.. Petitioner

-vs-

- 1.The State,
rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Dept.,
Secretariat, Chennai-600 009.
 - 2.Dr.B.Vasanthi (Medical Officer)
Kondithope Health Post,
Corporation of Chennai,
Chennai - 600 021.
 - 3.K.Rajalakshmi (Maternity Assistant),
R.K. Nagar,
Corporation Health Centre,
Kurrukupet,
Chennai-600 021.
 - 4.P.Jayamani (Maternity Assistant),
R.K. Nagar,
Corporation Health Centre,
Kurrukupet,
Chennai-600 021.
 - 5.The State,
rep. by the Registrar,
The State Human Rights Commission,
Greenways Road, Chennai.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records in SHRC Case No.2880 of 2008, disposed of by the 5th respondent by an order dated 31.12.2015 and quash the same and direct the 1st respondent to grant an additional or enhanced compensation with interest.

For Petitioner : Mr.M.Velmurugan

For Respondents: Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R1

Mr.V.Sanjeev Kumar for R5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Admit. Rule Nisi be issued.

2. Notice, which is accepted by Mr.STS.Moorthy, learned Government Pleader for respondent No.1 and Mr.V.Sanjeev Kumar, learned counsel for respondent No.5.

3. At request of the learned counsel for parties, the writ petition is taken up for final disposal.

4. The incident, which gave rise to the suo-motu proceedings being initiated by the State Human Rights Commission, Tamil Nadu, is an unfortunate case of negligence at the time of delivery of a lady on 05.04.2008, when both she and the child passed away. The State Human Rights Commission has given a finding of negligence both against the Medical Officer and the Maternity Assistants. The only issue on which the petitioner being the mother of the deceased Kalaivani, agitates is of inadequacy of the compensation, which has been quantified at Rs.2,00,000/- for the death of Kalaivani and Rs.1,00,000/- for the death of new born baby, totalling Rs.3,00,000/-.

5. We may notice that the incident is of 2008 and not a penny has been paid. This compensation would have been payable in 2008 and would earn the interest for the benefit of the legal heirs. The compensation, in our estimate, also appears to be on the lower side.

6. If we take the time period of eight years into consideration which has already passed and the finding of guilt against the respondents for negligence, we are of the view that adequate compensation to be paid to the mother of the deceased Kalaivani alone should be Rs.3,00,000/- (Rupees Three Lakhs only). We are told that the husband has got re-married and he has not come before this Court to claim any amount and thus, we leave that question open.

7. The learned Government Pleader assures that the aforesaid amount of Rs.3,00,000/- will be paid promptly by the State Government to the mother of deceased Kalaivani before 21st July, 2016.

8. The writ petition is disposed of in terms aforesaid. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
Municipal Administration and Water Supply Dept.,
Secretariat, Chennai-600 009.
- 2.The Registrar,
The State Human Rights Commission,
Greenways Road, Chennai.

+1cc to the Government Pleader Sr.38788
+1cc to Mr.M.Velmurugan, Advocate sr.38694

सत्यमेव जयते

W.P.No.9878 of 2016

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