

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 570 of 2017

Chameli Sao W/o Niranjana Sao, Aged About 36 Years R/o Village Midmida,
Pussore District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhavan, Mantralaya, New Raipur (Chhattisgarh)
2. Chief Medical & Health Officer, District Raigarh (Chhattisgarh).
3. Block Medical Officer, District Raigarh (Chhattisgarh).

---- Respondents

For Petitioner	:	Ms. Samishti Saloman, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2017

1. The petitioner has filed this petition seeking appropriate damages and compensation for failure of sterilization to which the petitioner was subjected through State Health Services.
2. Learned counsel for the petitioner submits that the petitioner underwent tubectomy procedure on 18th January, 2008 at Community Health Centre, Pussore, District -Raigarh, however the procedure was a failure and in the year 2014, the petitioner gave birth to a child. It is submitted that in such an eventuality, as the sterilization has failed, the petitioner is entitled to appropriate compensation.
3. Learned counsel for the State could not dispute that under the Govt. scheme, in the event of failure of sterilization, a fixed compensation of Rs.30,000/- is payable. He fairly brings to the notice of this Court, Family Planning Indemnity Scheme framed by the Family Planning Division Ministry of Health and Family Welfare, Govt. of India, wherein Clause 1.1 provides for such compensation.
4. There is no material to show that such compensation was paid to the petitioner.

Therefore, at this stage, the writ petition is disposed off with a direction to the respondents to ensure that compensation of Rs.30,000/- is paid to the petitioner within a period of 60 days from the date of submission of an application along with necessary information as required under the scheme before respondent No.2/Chief Medical & Health Officer. It is made clear that application of the petitioner shall not be rejected on the ground of any delay, subject to the condition that the application is submitted before respondent No.2/Chief Medical and Health Officer within a period of 30 days from the date of receipt of copy of this order.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen