

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 15.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)No.6606 of 2013

Manickam

... Petitioner

Vs.

1.The District Collector
Tiruchirappalli District,
Tiruchirappalli.

2.The Joint Director of Health Services,
Tiruchirappalli.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay compensation to the petitioner based on the Medical report issued by the Medical Education Department in proceedings Rc.No.08808/E1/06 dated 10.01.2007.

For Petitioners : Mr.T.M.Madasamy
For Respondents : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner, seeking to direct respondents to pay compensation to the petitioner based on the Medical report issued by the Medical Education Department in proceedings Rc.No.08808/E1/06 dated 10.01.2007.

2. Heard the learned Counsel on either side.

3. According to the petitioner, he worked as a Motor Mechanic, earning Rs.10,000/- per month. When he attended free eye camp, the doctor advised him to operate his right eye. Thereafter, the operation was done on 20.11.1998, in Annal Gandhi Government General Hospital, Tiruchirappalli at free of cost. After 13 days, he was discharged from the hospital and thereafter, he felt that he totally lost the vision of his right eye. Subsequently, the petitioner has submitted a representation before the first respondent, claiming compensation, based on which, the first respondent directed him to appear before the Medical Board and after examination, the Medical Board gave its finding that the petitioner has lost his sight on the right eye, due to septic after operation and the same cannot be cured. The Medical Education Department



issued a proceedings dated 10.01.2007 and thereby, recommended for compensation to the petitioner. Thereafter, the petitioner submitted several representations, the last one of which was dated 13.08.2012 to the respondents, but the same has not been considered so far. Hence, the petitioner is before this Court with the above prayer.

4. The learned Counsel for the petitioner would submit that it would suffice, if the representation dated 13.08.2012 submitted by the petitioner to the respondents, is directed to be considered by the respondents, within the time stipulated by this Court.

5. Considering the facts and circumstance of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, directs the respondents to consider the representation dated 13.08.2012 filed by the petitioner, for payment of compensation and pass suitable orders thereon, if not already passed, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector
Tiruchirappalli District,
Tiruchirappalli.

2. The Joint Director of Health Services,
Tiruchirappalli.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 93344
+1cc to M/s.T.M.MADASAMY Advocate in SR. No. 93596

RM
JS/MR/SAR.1/05.01.2018/2P-5C