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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**23.02.2021**

CORAM:
THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**
W.P.(MD)No.9146 of 2016
and
W.M.P.(MD).No.7281 of 2016

Padmanaban ... Petitioner

Vs.

1.The Principal Chief Secretary to Government,
Public Health and Family Welfare,
Chennai-9.

2.The Additional Secretary to Government,
Public Health and Family Welfare,
Chennai-9.

3.Dean,
Mahatma Gandhi Memorial Government Hospital,
Trichy.

4.The Senior Resident - Medicine,
Nephrology Services,
Mahatma Gandhi Memorial Government Hospital,
Trichy. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to supply medicines at free of cost periodically to the petitioner, on the basis of the recommendation issued by the fourth respondent or any other physician.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.M.Muthugeethayan
Special Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondents to supply medicines at free of cost periodically to the petitioner, on the basis of the recommendation issued by the fourth respondent or any other physician.

2. The case of the petitioner is that he was working as Record Clerk in I Additional District Court (PCR), Trichy and he had

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undergone kidney transplantation surgery on 06.08.2011. He spent nearly Rs.5,00,000/- from the initial treatment to surgery. Further, the State Government has issued G.O.(Ms.).No.454, Public Health and Family Welfare Department, dated 17.09.1997, for free supply of medicines to the Government Servant, who have undergone renal transplant surgeries. Thereafter, as per the advice of the physician, the first and second respondents issued various Government Orders, for free supply of medicines to the petitioner. However, the impediment is that once in every three months, a Government Order has to be obtained for such purpose. The petitioner has been enjoying the said benefit extended by the Government since 2012.

3. It is the further case of the petitioner that finally, the second respondent, by G.O.(Ms.).No.851, dated 17.07.2015, issued order for free supply of medicines, through the third respondent. Thereafter, the petitioner has sought for extension of the benefit of the Government Order for a further period of three months and the same has been forwarded to the fourth respondent for his opinion. However, the fourth respondent has not given his opinion, in spite of the petitioner appearing in person and in spite of two communications sent by the third respondent, dated 22.11.2015 and 22.12.2015. Against which, this Court, by an order dated 04.05.2016, directed the third respondent to consider the petitioner's health condition and issue necessary quantity of medicine to the petitioner, by exercising the powers granted to him by the Government, under G.O.(Ms).No.173, Public Health and Family Welfare (1) Department, dated 22.04.2004, which empowers the Head of the Department to exercise such powers and the direction shall be complied with by the third respondent, within a period of three days from the date of receipt of a copy of this order.

4. When the matter is taken up for hearing today, the learned Special Government Pleader appearing for the respondents would submit that in compliance of the above said order, the first respondent, by Letter dated 01.11.2019, issued a direction to the third respondent to provide medicines at free of cost, to the petitioner.

5. In view of the above said Letter, dated 01.11.2019, no further adjudication is necessary in this writ petition. However, the third respondent is directed to provide required medicines, to the petitioner, at free of cost, as per the Letter of the first respondent, dated 01.11.2019, without insisting further communication from the first respondent.

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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Principal Chief Secretary to Government,
Public Health and Family Welfare,
Chennai-9.

2.The Additional Secretary to Government,
Public Health and Family Welfare,
Chennai-9.

3.Dean,
Mahatma Gandhi Memorial Government Hospital,
Trichy.

4.The Senior Resident - Medicine,
Nephrology Services,
Mahatma Gandhi Memorial Government Hospital,
Trichy.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-7069[F] dated 24/02/2021)

+1 CC to M/s.SPL GP (SR-7291[F] dated 25/02/2021)

W.P.(MD)No.9146 of 2016
23.02.2021

TP(CO)
TR(20.04.2021) 3P 7C

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