



W.P(MD)No.7482 of 2011

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7482 of 2011
and
M.P(MD)No.1 of 2011 & 1,2 of 2012

S.Ganesan

... Petitioner

Vs.

- 1.The Secretary to Government,
Health Department,
Government of Tamil Nadu,
Fort St.George,
Chennai.
- 2.The Director,
Director of Medical Education,
Government of Tamil Nadu,
Chennai.
- 3.The Dean,
Government Nagarkoil Medical College Hospital,
Asaripallam,
Kanyakumari District.
- 4.The Dean,
Government Rajaji Hospital,
Madurai.



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5.The District Collector,
Kanyakumari District.

6.The District Collector,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent No.1 to initiate stringent departmental disciplinary and penal action against the Nagarcoil Government Medical College Hospital officials and Gas agency who are responsible for the coma condition of the petitioner's wife namely Rukmani from 19.03.2011 now undergoing treatment in Intensive care unit, Govt. Rajaji hospital, Madurai and consequently to pay compensation to the petitioner and legal heirs of the petitioner for their sufferings and irreparable loss consequent to the lethargic and highly negligent act on the part of the officials working in Respondent No.3 Hospital.

For Petitioner : Mr.A.Alagumani

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the 1st respondent to initiate stringent departmental



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disciplinary and penal action against the Hospital officials of Nagarcoil Government Medical College and Gas agency who are responsible for the coma condition of the petitioner's wife namely Rukmani and also for payment of compensation.

2. The petitioner's wife while she was admitted in the 3rd respondent hospital, by mistake, in stead of Oxygen, she was administered with Nitrous Oxide and hence, she reached coma stage. Hence, the present writ petition.

3. Pending writ petition, the Government has paid a compensation of Rs.42,62,593/- (Rupees Forty Two Lakh Sixty Two Thousand Five Hundred and Ninety Three only) to the writ petitioner on 21.06.2017 and the same has also received by the petitioner herein. The present writ petition is pending for the other part of the prayer, namely for initiating departmental action.

4. The learned Special Government Pleader appearing for the official respondents have placed a report before the Court, that action was initiated as against 2 doctors and staff nurse. After conducting



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detailed enquiry, all the charges as against the 3 of them have been dropped and final orders have been passed. A copy of the final order has also furnished to the learned counsel for the writ petitioner.

5. However, the learned counsel for the petitioner submits that the enquiry has not been conducted in a proper manner. The Government ought not to have exonerated or discharged the doctors and the staff nurse for their lethargic activity, due to which, the petitioner's wife had undergone coma stage.

6. I find that the prayer sought for in the writ petition has already been complied with by the official respondents herein by conducting a detailed enquiry and thereafter, passing final orders. In case, if the petitioner is aggrieved over the validity or the outcome of the final orders by the Government in the disciplinary proceedings, he is always at liberty to challenge the same, if he is so advised.



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7. Accordingly, this Writ Petition stands closed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No

Internet : Yes / No

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To

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4.The Dean,

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Government Rajaji Hospital,
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R.VIJAYAKUMAR ,J.



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Order made in
W.P(MD)No.7482 of 2011

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