



W.P.No.27816 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.09.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.27816 of 2024**

R.Vasudevan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Rep.by its Secretary,  
Health and Family Welfare Department,  
Secretariat,  
Chennai.
- 2.The Director of Public Health and Preventive Medicine,  
D.No.64, 75, Main Road,  
Chokkalingam Nagar,  
Teynampet,  
Chennai-600 006.
- 3.The District Collector,  
Collectorate,  
The Nilgiris District.
- 4.The Deputy Director of Health Services,  
Collectorate,  
The Nilgiris.



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5.PSG Hospitals,  
Rep.by its Medical Superintendent,  
Peelamedu,  
Coimbatore-641 004.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondent Nos.1 to 4 to grant additional compensation and other death benefits to the petitioner for the death of his son, Dr.Jayamohan under Doctor Corpus Fund as per Government Order bearing MS.No.200 dated 22.04.2020 and to direct the respondents 1 to 4 to take action against the fifth respondent under Tamil Nadu Private Clinical Establishments Regulation Act, 1997, on the basis of the representation dated 26.10.2023 sent by the petitioner.

|                 |   |                                                      |
|-----------------|---|------------------------------------------------------|
| For Petitioner  | : | Mr.M.Saravanakumar                                   |
| For Respondents | : | Mr.E.Sundaram<br>Government Advocate<br>for R1 to R4 |

### **O R D E R**

This Writ Petition has been filed to direct the respondent Nos.1 to 4 to grant additional compensation and other death benefits to the petitioner for the death of his son, namely, Dr.Jayamohan under Doctor Corpus Fund as per the Government Order bearing MS.No.200 dated 22.04.2020 and take action against the fifth respondent



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under Tamil Nadu Private Clinical Establishments Regulation Act, 1997, on the basis of the representation dated 26.10.2023 of the petitioner.

2. The case of the petitioner is that the petitioner's son completed MBBS Degree at Madras Medical College, Chennai, in the year 2013 and was appointed as Assistant Surgeon (General) by the second respondent vide appointment letter dated 29.03.2017 and thereafter, he was posted under the fourth respondent at Primary Health Centre in Thengumarahada in the Nilgiris District. He worked as Assistant Surgeon for the period from 30.03.2017 to 15.04.2020 and during that time, he was suffering from Dengue fever and was admitted as in-patient at the fifth respondent Hospital and he died. The evidence of the death of his son through Dengue was evident by the Death Summary issued by the fifth respondent Hospital and the first respondent has granted a sum of Rs.25,00,000/- only to the petitioner, however, the death benefits and other ancillary benefits have not been provided and the respondent No.5, being the chief of PSG Hospital, is also liable to compensate the death of his son. In this regard, the petitioner



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has also sent a representation dated 25.10.2023 to the respondents 1, 2, 4 and the Chief Medical Officer, PSG Hospital, Peelamedu, Coimbatore, however, the same has not been considered so far. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court permits the petitioner to make an application before the Joint Director of Medical and Rural Health Services, Chennai, to grant additional compensation and other death benefits and to take action against the fifth respondent under the Tamil Nadu Private Clinical Establishments Regulation Act, 1997, and on receipt of the application, the Joint Director of Medical and Rural Health Services, Chennai, may be directed to consider the same and pass appropriate orders.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4.



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5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, permits the petitioner to make an application before the Joint Director of Medical and Rural Health Services, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the application, the Joint Director of Medical and Rural Health Services, Chennai, is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of the application.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

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NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No  
ssb

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**M.DHANDAPANI,J.**

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