



WEB COPY



W.P.No.8103 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.8103 of 2021

K.Ganesh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Principal Secretary to Health
& Family Welfare (MCA-I) Department,
Fort St.George, Chennai.

2.District Collector Chennai,
4th Floor, M Singaravelan Maaligai,
62 Rajaji Salai,
Chennai 600 001.

3.M/s.M.G.M.Healthcare Private Limited,
New No.72, Old No.54,
Nelson Manickam Road,
Aminjikarai,
Chennai – 600 029.

4.Medical Council of India,
Poc Ket-14, Sector-8,
Phase-I, Dwarka,
New Delhi – 110 077.

5.The Joint Director,
The Directorate of Medical and Rural Health Services,
Chennai – 600 006.

(R5 *suo-motu* impleaded vide order dated 22.08.2024 in W.P.No.8103 of



W.P.No.8103 of 2021

2021 by MDIJ)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus (i) directing the 1st & 2nd respondent to consider his representation dated 11.09.2020 and to take appropriate stringent action against the 3rd respondent for not following the G.O. dated 06th June 2020 issued by the Health & Family Welfare (MCA-1) Department (ii) directing the 3rd respondent to refund the excess amount received by the second respondent in violation of G.O. dated 06th June 2020 issued by the Health & Family Welfare (MCA-1) Department.

For Petitioner : Mr.M.Vijay Anand

For Respondents 1 & 5 : Mr.E.Sundaram,
Government Advocate

For Respondent 2 : Mr.L.S.M.Hasan Fisal,
Additional Government Pleader

For Respondent 3 : No appearance

For Respondent 4 : Mr.S.Prince Paul
for M/s.Shubharanjani Anand

ORDER

The petitioner has filed this petition to direct the 1st & 2nd respondent to consider his representation dated 11.09.2020 and to take appropriate stringent action against the 3rd respondent for not following the G.O. dated 06th June



W.P.No.8103 of 2021

2020 issued by the Health & Family Welfare (MCA-1) Department and further direct the 3rd respondent to refund the excess amount received by the second respondent in violation of G.O. dated 06th June 2020 issued by the Health & Family Welfare (MCA-1) Department.

2. The case of the petitioner is that the petitioner's father diagnosed with Covid positive and got admitted in the third respondent hospital. However, his father died on 03.08.2022. At the time of discharge, instead of giving discharge summary of the petitioner's father, the third respondent has issued a discharge summary of some other person. Hence, the petitioner was not able to process the medi-claim. Thereby, he made a representation dated 11.09.2020 before the fourth respondent, who in turn forwarded the same to the first respondent, however, the first respondent has not taken any action. Hence, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner would submit that this Court may issue direction to the respondents 1 & 2 to consider the petitioner's representation dated 11.09.2020 and pass appropriate orders on merits and in accordance



W.P.No.8103 of 2021

with law, within a time frame to be fixed by this Court.

WEB COPY

4. Learned Additional Government Pleader appearing for the second respondent would submit that as per the Tamil Nadu Clinical Establishment Act, 1997, the competent authority to take action against the third respondent hospital is the Joint Director of Medical and Rural Health Services. Hence, this Court may *suo-motu* implead the the Joint Director of Medical and Rural Health Services as 5th respondent in this writ petition and direction shall be issued to pass appropriate orders.

5. Since, the name of the third respondent is printed in the cause list, none appeared on behalf of the third respondent.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the submission made by the learned Additional Government Pleader appearing for the second respondent, it is necessary to implead the Joint Director of Medical and Rural Health Services as one of the



W.P.No.8103 of 2021

respondents in this writ petition, since he is the competent authority to consider the case of the petitioner. Accordingly, the Joint Director of Medical and Rural Health Services is *suo-motu* impleaded as fifth respondent by this court.

8. In view of the above factual matrix of the case, this Court issues the following directions:

(i) the petitioner is directed to make appropriate complaint before the fifth respondent, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such complaint, fifth respondent/the Joint Director of Rural and Medical Health Services is directed to conduct the adjudication in terms of Tamil Nadu Clinical Establishment Act, 1997 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks thereafter, after providing an opportunity of hearing to the third respondent.

9. With the above observation and direction, this Writ Petition is disposed of. No costs.

22.08.2024



W.P.No.8103 of 2021

vm

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

M.DHANDAPANI,J.

vm

To:

1.The Principal Secretary to Health
& Family Welfare (MCA-I) Department,
Fort St.George, Chennai.

2.District Collector Chennai,
4th Floor, M Singaravelan Maaligai,
62 Rajaji Salai,
Chennai 600 001.

3.M/s.M.G.M.Healthcare Private Limited,
New No.72, Old No.54,
Nelson Manickam Road,
Aminjikarai,
Chennai – 600 029.

4.Medical Council of India,
Poc Ket-14, Sector-8,
Phase-I, Dwarka,
New Delhi – 110 077.

5.The Joint Director,

Page No.6 of 7



W.P.No.8103 of 2021

The Directorate of Medical and Rural Health Services,
Chennai – 600 006.

WEB COPY

W.P.No.8103 of 2021

22.08.2024