

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

WP(C).No. 6904 of 2005 (V)

PETITIONER:

**P.K.SYRUS, OFFICER,
SOUTH MALABAR GRAMIN BANK,
CHELARI BRANCH.**

**BY ADVS. SRI. T.M. ABDUL LATHEEF
SMT. P. RESHMA KABIR
SMT. P. VIJAYALAKSHMI.**

RESPONDENT(S):

- 1. SOUTH MALABAR GRAMIN BANK
REPRESENTED BY ITS CHAIRMAN, HEAD OFFICE, MALAPPURAM.**
- 2. GENERAL MANAGER,
SOUTH MALABAR GRAMIN BANK, HEAD OFFICE, MALAPPURAM.**
- 3. SENIOR MANAGER,
SOUTH MALABAR GRAMIN BANK, HEAD OFFICE, MALAPPURAM.**

**R1 TO R3 BY ADVS.SRI. T.R.RAVI, SC,SOUTH MALABAR GRAMIN BANK
SMT. S.KARTHIKA,SC,SOUTH MALABAR GRAMIN BANK
SRI.DEVAN RAMACHANDRAN,SC,SOUTH MALABAR GRAMIN BANK
SRI.R.S.KALKURA, SC,SOUTH MALABAR GRAMIN BANK**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P-1: TRUE COPY OF THE CIRCULAR NO. 70/2001 DATED 18-08-2001 OF THE FIRST RESPONDENT.
- EXT. P-2: TRUE COPY OF THE CLAIM DATED 04-07-2003 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.
- EXT. P-3: TRUE COPY OF THE LETTER NO. KR/KK/4679/1803/AB4(2)/2003 DATED 29-05-2003 OF THE ASSISTANT ACCOUNTS OFFICER, EMPLOYEES' PROVIDENT FUND ORGANISATION.
- EXT. P-4: TRUE COPY OF THE LETTER NO.9/SMGB/1257/2003/PAD DATED 09-07-2003 OF THE 3RD RESPONDENT.
- EXT. P-5: TRUE COPY OF THE LETTER DATED 23-07-2000 ISSUED BY UDAYAGIRI MULTI SPECIALITY HOSPITAL SHOWING THE DETAILS OF THE MEDICINES GIVEN TO THE PETITIONER'S MOTHER.
- EXT. P-6: TRUE COPY OF THE DISCHARGE CARD ISSUED BY THE UDAYAGIRI MULTI SPECIALITY HOSPITAL.
- EXT. P-7: TRUE COPY OF THE DETAILS OF LAB TESTS ISSUED BY THE UDAYAGIRI MULTI SPECIALITY HOSPITAL.
- EXT. P-8: TRUE COPY OF THE LETTER DATED 16-07-2003 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.
- EXT. P-9: TRUE COPY OF THE LETTER NO.9/SMGB/94/2004/PAD DATED 17-01-2004 ISSUED BY THE 3RD RESPONDENT.
- EXT. P-10: TRUE COPY OF THE LETTER DATED 03-02-2004 SUBMITTED THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT. P-11: TRUE COPY OF THE LETTER NO.9/SMGB/232/2004/PAD DATED 06-02-2004 OF THE 3RD RESPONDENT.
- EXT. P-12: TRUE COPY OF THE REPRESENTATION DATED 28-02-2004 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT. P-13: TRUE COPY OF THE LETTER NO.9/SMGB/465/2004 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT. P-14: TRUE COPY OF THE REPRESENTATION DATED 19-04-2004 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT. P-15: TRUE COPY OF THE LETTER NO.9/SMGB/2246/2004/PAD DATED 22-12-2004 OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

- EXT. R1(a): TRUE COPY OF ANNEXURE -V WHICH ARE PAGE NOS. 13 AND 14 OF THE SCHEME.
- EXT. R1(b): TRUE COPY OF THE MEMO NO. 63/97 DATD 30.09.1997 ISSUED BY THE 1ST RESPONDENT.
- EXT. R1(c): TRUE COPY OF THE LATEST INSTRUCTION TO UPDATE BIO-DATA OF THE STAFF MEMBERS AS PER MEMO NO.03/2001 DATED 11.01.2001 ISSUED BY THE 1ST RESPONDENT.
- EXT. R1(d): TRUE COPY OF THE MODIFIED BIO-DATA IN RESPONSE TO EXT.R1(c), SUBMITTED BY THE PETITIONER ON 20.01.2001 TO THE 1ST RESPONDENT.
- EXT. R1(e): TRUE COPY OF THE LETTER DATED 16.07.2003 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT. R1(f): TRUE COPY OF THE LETTER DATED 26.07.2003 SUBMITTED BY THE PETITIONER.
- EXT. R1(g): TRUE COPY OF THE ORIGINAL ADVANCE RECEIPT DATED 27.12.2002 OF AIMS, KOCHI, IN RESPECT OF SRI. RAJENDRAN.
- EXT. R1(h): TRUE COPY OF THE IN-PATIENT DETAILED BILL DATED 30.12.2002 DULY CERTIFIED BY THE DOCTOR CONCERNED OF AIMS, KOCHI, IN RESPECT OF SRI. RAJENDRAN.

//TRUE COPY//

P.A. TO JUDGE

ANIL K. NARENDRA, J.

W.P.(C). No. 6904 of 2005

Dated this the 6th day of July, 2015

JUDGMENT

The petitioner, who was an officer working at the Chelari Branch of the South Malabar Gramin Bank, has filed this writ petition seeking a writ of mandamus commanding respondents 1 to 3 to sanction the entire claim made him for medical reimbursement, in respect of the treatment undergone by his mother late Khadeeja Umma, together with 18% interest. The petitioner has also sought for a writ of certiorari to quash Exts.P4, P11 and P15.

2. Going by the averments in the writ petition the employees of the 1st respondent Bank are governed by Ext.P1 scheme of reimbursement of hospitalisation expenses to the officers of the Bank. The petitioner incurred certain expenses in connection with the

treatment of his mother who had undergone inpatient treatment in Amrita Institute of Medical Science, Kochi for brain stem stroke for the period from 06.12.2003 to 26.06.2003. The total expenditure incurred by the petitioner comes to ₹3,32,279.46. The petitioner submitted Ext.P2 claim for reimbursement of hospital expenses, in the prescribed format. Ext.P3 letter produced alongwith the writ petition would show that the petitioner made an attempt to obtain loan from the Employees Provident Fund Organisation, but the said request was turned down stating that the withdrawal from the fund cannot be sanctioned for the said disease.

3. After submission of Ext.P2 claim, the 3rd respondent issued Ext.P4 communication to the petitioner, stating that since his mother Khadeeja Umma was not shown as a dependent as per records, the claim made by him in Ext.P2 cannot be entertained. The petitioner submitted Ext.P8 written submission before the 1st

respondent Bank stating that his mother is dependent upon him and in such circumstances her name should be included as his dependent. Thereafter, the petitioner submitted Exts.P5, P6 and P7 bills in connection with the treatment undergone by his mother at Udayagiri Multi Speciality Hospital, Changanacherry, for reimbursement. But, by Ext.P9 communication of 3rd respondent, the petitioner was informed that the claim cannot be proceeded further as the original bills issued during the hospitalisation period are not submitted.

4. On receipt of Ext.P9 the petitioner submitted Ext.P10 representation, to which he received Ext.P11 reply stating that, in order to assess the eligibility limit/entitlement, the Bank need individual bills/receipts, if any, in support of the consolidated statement furnished by the petitioner. Therefore, the petitioner was directed to forward original cash receipts for the amount paid at the hospital and a copy of the admission and discharge card.

The 1st respondent Bank has also clarified in Ext.P11 that, since the petitioner has declared that his mother is dependent on him vide Ext.P8 letter, any claim for reimbursement of medical expenses incurred in connection with treatment undergone by his mother can be considered only for the period from 26.07.2003 to the date of discharge. On receipt of Ext.P11, the petitioner submitted Ext.P12 representation to which he received Ext.P13 reply, which reads thus:

"Regarding the medical bills submitted by you as per ref. (1) and (2) above, we wish to reiterate our position as follows.

- 1) We are not in a position to consider the claim dt.04.07.03 since the dependency of your mother is accepted with effect from 26.07.2003 only, i.e., after your declaration to include her as your dependent.*
- 2) As to the claim dt. 09.12.03, we note that you have not given proper replies to the points raised by us vide our letter referred (3) above. The claims cannot be entertained by us unless the following aspects are got clarified or defects rectified.*
 - i) Copy of admission card as well as discharge summary duly attested is not submitted.*

- ii) *Original cash bills drawn during the period of hospitalisation are not submitted.*
- iii) *Details/prescription for laboratory tests conducted (bills for charges incurred itemwise to be forwarded)*
- iv) *The period of hospitalisation is from 26.06.03 to 15.11.03. No explanation is given by you why a consolidated summary of expenses incurred is submitted with date 06.12.03, in place of individual bills.*

The claim can be considered on getting the above defects rectified. Since the dependency of your mother is accepted with effect from 26.07.03, expenses from 26.07.2003 are to be reported separately."

The stand taken by the 1st respondent Bank in Ext.P13 is that, since the dependency of the mother is accepted only with effect from 26.07.2003, the Bank cannot consider the claim made by the petitioner dated 04.07.2003. As far as the second claim dated 09.07.2003 is concerned, in spite of repeated requests, the petitioner has not produced the necessary supporting documents in order to enable the Bank to process his application for medical reimbursement.

5. On receipt of Ext.P13, the petitioner submitted

Ext.P14 representation, to which he received Ext.P15 communication in which the 1st respondent Bank has reiterated its earlier stand in Exts.P11 and P13. It is aggrieved by Exts.P4, P11 and P15, the petitioner has approached this Court by filing this writ petition seeking various reliefs.

6. A counter affidavit has been filed on behalf of respondents 1 to 3, contending that the petitioner is governed by the scheme of reimbursement of hospital expenses under Ext.P1 scheme, and the claim made by an officer in terms of the aforesaid scheme can be processed only if the officer concerned complies with the mandatory requirements under the said scheme and also provide necessary supporting materials in order to enable the Bank to process such a claim. As far as the claim made by the petitioner is concerned, the original bills in respect of the hospitalisation undergone by his mother is not enclosed along with the claim, so also the cash receipts and other

relevant documents. It was in such circumstances, his claim for reimbursement of medical expenses was turned down by the Bank.

7. Relying on Ext.R1(b) circular, the respondents would contend that, in the year 1997 instructions were issued to the officers to make necessary corrections/amendments in their details like qualification, residential address, details of dependents etc. The said circular was followed by Ext.R1(c) circular dated 11.01.2001. It was pursuant to the aforesaid circular, the petitioner submitted Ext.R1(d) modified bio-data on 21.01.2001, in which the name of his mother was not shown as a dependent. Thereafter, only on 16.07.2008, vide Ext.R1(e), the petitioner informed the respondent Bank that his mother Khadeeja Umma is one of his dependent.

8. Relying on Exts.R1(g) and R1(h) medical bills issued from the Amrita Institute of Medical Science,

produced by certain other officers along with the claim for medical reimbursement, the respondents would contend that the other officers who had undergone treatment in the very same hospital produced medical bills in terms of Ext.P1 scheme and their claims were processed. In such circumstances, the petitioner cannot contend that, he could not obtain the supporting documents from the said hospital for the medical treatment undergone by his mother, in the format prescribed by the respondent Bank.

9. I heard, the arguments of the learned counsel for petitioner and also the learned standing counsel for respondents 1 to 3.

10. The sole issue which arises for consideration in this writ petition is as to the entitlement of the petitioner to claim reimbursement for the medical expenses incurred in connection with the treatment undergone by his mother, as claimed before the respondent Bank. The petitioner is not disputing the fact that the medical reimbursement to

an officer of the respondent Bank is governed by the scheme for reimbursement of hospitalisation expenses contained in Ext.P1. When the scheme categorically provides the manner in which an officer has to make a claim for reimbursement, the entitlement of that officer for reimbursement of hospitalisation expenses is subject to the condition that such claim made by him fulfills all the mandatory requirements provided thereunder. In the case on hand, the pleadings and materials on record, make it explicitly clear that the claim made by the petitioner in Ext.P2 as well as in Exts. P5, P6 and P7 were not supported by the requisite documents in terms of Ext.P1 scheme. In such circumstances, the aforesaid claim was rejected by the respondent bank and the decision to that effect was also communicated to him by Exts. P4, P11 and P15, which are under challenge in this writ petition.

11. The materials on record would make it explicitly clear that, when the petitioner made the first claim for

reimbursement of hospitalisation expenses of his mother, her name was shown as one of his dependent in Ext.R1(d) modified bio-data submitted by him on 21.01.2001. Later, by Ext.R1(e) letter dated 16.07.2003, the petitioner informed the General Manager of the respondent Bank that his mother Khadeeja Umma is one of his dependents. Therefore, the stand taken by the respondent Bank that the petitioner's mother can be treated as his dependent only with effect from 16.07.2003 cannot be termed either arbitrary or illegal.

12. Though the petitioner would contend that, he could not obtain the bills and other particulars in the format prescribed in Ext.P1 scheme from the hospital in which his mother had undergone inpatient treatment, the documents produced along with the counter affidavit filed by the respondent Bank, i.e., Exts.R1(g) and R1(h) make it explicitly clear that, other officers of the respondent Bank obtained the receipts and other documents in the

prescribed format from the very same hospital. Therefore, the aforesaid contention of the petitioner can only be retjected and I do so.

13. In such circumstances, I find absolutely no merit in the various contentions raised by the petitioner in the writ petition. The petitioner is not entitled to any of the reliefs prayed for.

In the result, the writ petition fails and the same is dismissed. No order as to costs.

Sd/-
ANIL K. NARENDRAN
JUDGE