

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 22239 of 2012 (D)

PETITIONER(S):

R. HARIKUMAR AGED 42 YEARS
PANCHAVADYAM, THIRICHITTOOR DEVASWOM, ULLOOR
THIRUVANANTHAPURAM.

Addl. 2. B.S.BINDU
P.D.TEACHER, G.G.H.S.S., KANNIAKULANGARA
THIRUVANANTHAPURAM.
(ADDL.P2 IMPEADED AS PER ORDER DATED 17.03.2015 IN IA 4013/15.)
BY ADVS.DR.S.GOPAKUMARAN NAIR (SR.)
SRIM.CHANDRA BOSE
SRI.A.RAJASIMHAN

RESPONDENT(S):

1. TRAVANCORE DEVASWOM BOARD
NANTHANCODE, PIN 695 001
THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.
 2. DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, NANTHANCODE
THIRUVANANTHAPURAM PIN 691 001.
 3. ASSISTANT DEVASWOM COMMISSIONER
ULLOOR, THIRUVANANTHAPURAM 695 011.
 4. SUB GROUP OFFICER
THIRICHITTOOR DEVASWOM, ULLOOR
THIRUVANANTHAPURAM PIN 695 011.
- Addl.5. SECRETARY TO GOVERNMENT
DEPARTMENT OF EDUCATION, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 1.

Addl.6. DIRECTOR OF PUBLIC INSTRUCTIONS
DPI, VAZHUTHAKADU, THIRUVANANTHAPURAM.

Addl.7. DISTRICT EDUCATION OFFICER
STATUE, THIRUVANANTHAPURAM -1.

Addl.8. HEADMISTRESS
G.G.H.S.S. KANNIAKULANGARA, THIRUVANANTHAPURAM.

ADDL.R5 TO R8 ARE IMPEADED AS PER ORDER DATED 01.10.2012 IN IA
13133/12.

R1BY ADV. SRI.D.SREEKUMAR, SC, TDB
R.5-R8 BY ADV. GOVERNMENT PLEADER SRI T R RAJESH
R BY SRI.G.BIJU,SC,TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT P1. TRUE COPY OF THE SUMMARY AND DISCHARGE RECORD.

EXHIBIT P2. TRUE COPY OF THE CERTIFICATE DATED 22.5.2009.

EXHIBIT P3. TRUE COPY OF THE APPLICATION DT.28.7.2009.

EXHIBIT P4. TRUE COPY OF THE ORDER DATED 6.7.2009.

EXHIBIT P5. TRUE COPY OF THE LETTER DT.7.7.2009.

EXHIBIT P6. TRUE COPY OF THE CERTIFICATE DT.13.10.2009.

EXHIBIT P7. TRUE COPY OF THE LETTER DT.10.2009.

EXHIBIT P8. TRUE COPY OF THE SHOW CAUSE DT. 8.6.2009.

EXHIBIT P9. TRUE COPY OF THE ORDER DT. 4.11.2010.

EXHIBIT P10.TRUE COPY OF THE LETTER DT. NIL.

EXHIBIT P11.TRUE COPY OF THE ORDER DT.30.3.2012.

EXHIBIT P12.TRUE COPY OF THE LETTER DT. 11.4.2012.

EXHIBIT P13.TRUE COPY OF THE NOTICE DT.12.6.2012.

EXHIBIT P14.TRUE COPY OF THE REQUEST DT.28.6.2012.

EXHIBIT P15.TRUE COPY OF THE ORDER DT.16.8.2012.

EXHIBIT P16.TRUE COPY OF THE REPRESENTATION DT.19.8.2012.

RESPONDENTS' EXHIBITS : NIL

jma

TRUE COPY

P.A TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No. 22239 of 2012

Dated this the 08th day of September, 2015

J U D G M E N T

The only controversy in the writ petition is with respect to the Medical reimbursement, paid by the Devaswom Board to the petitioner with respect to the medical treatment of the petitioner's wife, the 2nd petitioner herein. The 1st petitioner is employed as Panchavadyam Temple employee with the Travancore Devaswom Board. The petitioner was also entitled to make reimbursement as per the medical reimbursement scheme framed by the Travancore Devaswom Board by proceedings bearing No. ROC No.3638/97/Est III dated 23.07.1997.

2. The petitioner applied for the medical reimbursement by Ext.P3. However, with respect to the employment details of the spouse, on whose behalf, the medical claim was made, the columns were left unfilled. It is an admitted fact that the petitioner's wife was employed under the State Government as an P D teacher in G G HSS Kanniakulangara,

Thiruvananthapuram. The petitioner's wife, the 2nd respondent is also entitled to medical reimbursement from the Government.

3. The form at Ext.P3 indicates that a declaration had to be made that no claim was made before the employer of the spouse, but however, the rule specifically prohibits any such claim being made.

4. Rule 8 of the aforesaid proceedings is extracted hereunder :=

Rule 8 : Claims and time limit:-

(i) Claims for reimbursement of the Medical expenses shall be made within 3 months of the last date of treatment.

(ii) If the husband and wife are employees under Board, the reimbursement pertaining to the Medical expenses incurred for the husband and any other members of the family should be claimed by the husband. The Medical reimbursement incurred for the treatment of the wife will be claimed by her that there will be no duplication of the claim.

If the Husband or wife of an employee is employed under the State Government or any other autonomous body where there is a scheme for reimbursement of Medical expenses, the claim of such person, husband or wife, for Medical reimbursement from the Board will not be entertained. A certificate to the effect that the husband/wife is not employed anywhere will be required for entertaining the Medical reimbursement

5. In the teeth of such prohibition the petitioner would not be entitled to claim the medical reimbursement for the expenses of the medical treatment of the petitioner's wife, the 2nd petitioner herein, since she is employed under the State and is also entitled to claim medical reimbursement.

6. However, at this stage, there are two difficulties before the petitioner insofar as the petitioner's wife, the 2nd petitioner herein being unable to make the claim for reason of the delay and also for reason of the bills being with the Travancore

Devaswom Board. Considering the facts and circumstances, as also after hearing the additional respondents 5 to 8, this Court is of the opinion that the delay need not interdict the 2nd petitioner from making a claim on the facts and circumstances of the case. The petitioner hence shall make an application before the Travancore Devaswom Board along with the certified copy of this judgment, upon which the Travancore Devaswom Board shall return the entire documents submitted by the petitioner for sanctioning the claim of medical reimbursement within two weeks from the date of submission of the application. The 2nd petitioner shall on or before 31.10.2015 make the claim for medical reimbursement before the competent authority through the additional 8th respondent, in which event the delay shall not be taken into account and the same shall be considered as per the scheme under the State. The petitioner shall also be granted six months time from 31.10.2015 to reimburse the Travancore Devaswom Board

with the amounts already granted to the petitioner. It is made clear that the Travancore Devaswom Board shall not mulct any interest on the amounts already disbursed. The additional respondents 5 to 8 are directed to expedite the consideration of the medical claim.

The writ petition is disposed of with the above directions.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge