

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1125 of 2015
and
M.P.No.1 of 2015

1.Director of Medical and Rural
Health Service,
Tamil Nadu.
2.District Educational Officer,
Perambalur District,
Veppanthattai Taluk.
3.The Assistant Treasury Officer,
Sub Treasury,
Veppanthattai Taluk,
Perambalur District. ... Appellants/Respondents
1 to 3

Vs.

1.G.Simson Christudoss, .. 1st Respondent/Petitioner
2.The Correspondent,
Little Flower Higher Secondary School,
Annamangalam,
Veppanthattai Taluk,
Perambalur District-621 102. .. 2nd Respondent/4th Respondent

This writ appeal is preferred under Clause 15 of Letters Patent against the order of this Court dated 15.07.2013 passed in W.P.No.23398 of 2009.

WP.NO.23398 of 2009: Petition was filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus to call for the records relating to the order of the 2nd respondent in O.MU.No.109/A3/2008 dt 17.6.2008 and quash the same and to direct the 2nd respondent to reimburse the medical expenses as per the claim application of the petitioner submitted to the 2nd respondent through the 4th respondent on 4.1.2008 .

For Appellant : Mr.K.Karthikeyan, Government Advocate

For Respondents: Mr.D.Prasanna for R-1
No appearance for R-2

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JUDGMENT

(The Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The writ petitioner, working as Assistant in the second respondent school, developed a problem of eye pressure in his eye balls. On advise to have treatment at once, the petitioner was immediately admitted in the Vijaya Hospital for treatment and he underwent a surgery. He incurred expenses to the tune of Rs.1,17,903.45. The petitioner was entitled to reimbursement for his medical treatment and surgery on the basis of his monthly subscription to the Tamil Nadu Government Employees' Health Fund Scheme from 1st December, 1998 and the the said Vijaya Hospital is also an accredited hospital.

2 The learned Single Judge, realizing the fact situation, wherein the eye pressure in the eye balls of the petitioner was increasing and was advised to take immediate treatment, allowed the writ petition, directing the fourth respondent therein / second respondent herein to reimburse the medical disbursement, to which the petitioner was legally entitled to, with simple interest at the rate of 8% per annum from the date of application till the date of reimbursement.

3 In the case on hand, the writ petitioner had already undertaken treatment called as "Photo Dynamic Therapy". It appears that to meet the immediate need of the treatment, the petitioner got admitted into Vijaya Hospital for operation, which was indisputably an accredited one. The learned counsel appearing for the first respondent herein / writ petitioner fairly submits that the petitioner is prepared to forgo the interest. The petitioner is getting a paltry sum of salary, which is not sufficient to meet such need of medical expenses, which arose all of sudden.

4 Having considered all aspects of the matter, we are not inclined to go into the question as to whether the "Photo Dynamic Therapy" required for the aforestated medical ailment, for which the employee took treatment in the hospital, is covered under the scheme, leaving the question open to be considered in the appropriate case. Considering the statement made by the learned counsel appearing for the first respondent herein / writ petitioner, we dispose of the writ appeal by modifying the order to the effect that the direction to claim 8% interest alone is set aside and that the other part of the order that the petitioner is entitled to reimbursement of medical

disbursement is maintained. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vvk

To

- 1.The Director of Medical and Rural
Health Service,
Tamil Nadu.
- 2.The District Education Officer,
Perambalur District,
Veppanthattai Taluk.
- 3.The Assistant Treasury Officer,
Sub Treasury,
Veppanthattai Taluk,
Perambalur District.
- 4.The Correspondent,
Little Flower Higher Secondary School,
Annamangalam,
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Perambalur District-621 102.

+1 cc to the Government Pleader sr.46223

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