

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.33348 of 2015
& M.P.Nos.1 and 2 of 2015

G.Malar Selvi

.... Petitioner

Vs.

1. Government of Tamilnadu,
represented by its Finance Secretary,
Social Welfare & Salaries)
Fort St.George,
Chennai - 600 009,
2. Government of Tamilnadu,
rep.by its Principal Secretary,
Social Welfare,
Fort St.George,
Chennai - 600 009,
3. Government of Tamilnadu,
rep.by its Health Secretary,
Fort St.George,
Chennai - 600 009
4. The District collector,
Thiruvannamalai District,
Thiruvannamalai,
5. The Commissioner,
Social Welfare,
Chennai - 600 032,
6. The Manager,
United India Insurance Co.Ltd.,
Whites Road,
Chennai - 600 014.
7. MD India Health Care Service (TPA)

Pvt.Ltd., No.26, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

8. Sri Ramachandra Hospital, rep.by
Medical Officer,
No.1, Ramachandra Nagar,
Porur, Chennai - 600 116.

9. Pudupalayam Panchayat,
Chengam Taluk,
Tiruvannamalai District.

.... Respondents

Respondent No.9 is added as a party
suo motu in this writ petition today.

PETITION under Article 226 of The Constitution of India
praying for the issuance of Writ of Mandamus directing the 6th
and 7th respondents to settle the claim of the 8th respondent in
any of the scheme of Government of Tamilnadu.

For Petitioner : Mr.P.R.Balasubramanian
For Respondents : Mr.S.Pattabiraman, Govt. Advocate
for RR.1 to 5
Mr.S.K.Krishnamurthy for RR.6 and 7
Mr.Rahul Balaji for R.8

O R D E R

As the Pudupalayam Panchayat, Chengam Taluk, Tiruvannamalai
District is a necessary party, this Court deems fit to implead
the said party as a party respondent suo motu. Accordingly,
Registry is directed to make necessary correction in the cause
title.

2. The petitioner is working as a cook in the panchayat
Union Primary School at Pudupalayam Panchayat. She underwent an
open heart surgery with the 8th respondent Hospital under the
payment category. The bill runs upto Rs.2,65,069/- as on today.
The claim made by the petitioner for the payment of the said
amount was rejected by the 6th respondent on the ground that
she was not covered under the Scheme. Resultantly respondent
No.8 is stated to have not discharged the petitioner till the
payment is made.

3. Learned counsel appearing for the petitioner submitted
that the Government Order passed in G.O.(Ms) No.45, Social

Welfare and Nutritious Meal Programme (SW 4-2) Department dated 19.5.2015 would govern the case of the petitioner. For an employee like that of the petitioner, no payment of premium is required. As there is no dispute of her status, the writ petition will have to be allowed.

4. Learned counsel appearing for the 6th and 7th respondents submitted that the petitioner is not covered under the scheme as she has not paid the premium. Therefore, the petitioner is not entitled for any payment from the respondents.

5. Learned counsel appearing for the 8th respondent submitted that the allegation against the post stay of the petitioner is denied and it is the petitioner that has opted for payment under the payment category.

6. Learned Government Advocate appearing for respondents 1 to 5, despite the fact that the matter has been adjourned on the last occasion, is unable to get instructions except producing letter dated 3.11.2015 from the 2nd respondent stating that sufficient time is required to file counter.

7. There is no dispute on the fact the petitioner is an employee of the impleaded 9th respondent and working as a cook. There is no material available to come to a definite conclusion that the 7th respondent is liable to pay or not. As of now, there is a Government Order, which speaks about the entitlement. Now there is an urgency in the matter, since the petitioner has to pay the amount to the 8th respondent for the surgery undergone by her. The request of the petitioner was also rejected by the 7th respondent. Considering the above, this Court is of the view that it is a fit case where the impleaded respondent viz., respondent No.9 has to pay the said amount.

8. Accordingly, the 9th respondent is hereby directed to pay a sum of Rs.2,65,069/- to the 8th respondent towards the bill of the petitioner within a period of two weeks from the date of receipt of copy of this order. The said respondent is also directed to take appropriate steps to find out as to whether the petitioner is entitled for reimbursement under the scheme as per the Government Order or any other scheme available for that purpose. If no scheme is available and the petitioner is not covered by any existing scheme, then the 9th respondent after making payment can recover it from the petitioner in the manner known to law. The recovery can also be made by deducting

the said amount from the retiral benefits payable to the petitioner at the relevant point of time. Suffice it is to direct the 9th respondent to make the payment as aforesaid. The petitioner is also at liberty to approach the concerned authorities with respect of her entitlement for reimbursement of the above said amount. In view of the order passed, the 8th respondent is directed to discharge the petitioner forthwith. This order is also passed without hearing the impleaded respondent considering the urgency of the matter, more so, when no substantial injury would be caused to the said respondent, as the interest of the said respondent has been sufficiently protected.

With the above observation, the writ petition is disposed of. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

True Copy

Sub Assistant Registrar

To

1. The Finance Secretary,
Social Welfare & Salaries)
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009,

2. The Principal Secretary,
Social Welfare,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009,

3. The Health Secretary,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009

4. The District collector,
Thiruvannamalai District,

Thiruvannamalai,

5. The Commissioner,
Social Welfare,
Chennai - 600 032,

6. The Manager,
United India Insurance Co.Ltd.,
Whites Road,
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7. MD India Health Care Service (TPA)
Pvt.Ltd., No.26, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

8. The Medical Officer,
Sri Ramachandra Hospital,
No.1, Ramachandra Nagar,
Porur, Chennai - 600 116.

9. The President,
Pudupalayam Panchayat,
Chengam Taluk,
Tiruvannamalai District.

+1cc to Mr.P.R.Balasubramanian, Advocate Sr.60225

+1cc to Mr.S.K.Krishnamurthy, Advocate sr.60303

+1cc to Mr.Satish Parasaran, Advocate Sr.60658

+ 1 CC TO THE GOVT.PLEADER, SR 60731 (5/1/16)

W.P.No.33348 of 2015

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srg 4/11/2015

सत्यमेव जयते

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