

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.5247 of 2007 (T)

O.A.No.5403 of 2002

Tmt.N.Mehaboob John

... Petitioner

Vs.

1.The Secretary to Government,
Home Department, Fort St. George,
Chennai - 9.

2.The Director General of Police,
Mylapore, Chennai - 4.

3.The Superintendent of Police,
Chengai District (East),
St.Thamous Mount, Chennai - 16.

4.The Director of Medical and Rural Health Services,
No.258, Anna Salai,
Chennai - 6.

... Respondents

PRAYER: Writ Petition came to be numbered by transfer of O.A.No.5403 of 2002 on the file of the Tamil Nadu Administrative Tribunal praying to direct the respondents to pay a sum of Rs.2,17,003.15/- to the petitioner with interest at 12% from the date of entitlement till realisation.

For Petitioner : No Representation

For Respondents :Mr.A.Kumar, Spl.GP

ORDER

The petitioner filed O.A.No.5403 of 2002 before the Tribunal seeking a direction to the respondents to pay a sum of Rs.2,17,003.15/- with interest at 12% from the date of entitlement till realisation. On abolition of the Tribunal, the same was transferred to the file of this Court and renumbered as W.P.No.5247 of 2007.

2. The petitioner is the mother of the deceased-I.Sikkander Hayath Basha. He was a Government employee. He died due to heart ailment. Initially, he took treatment in Appollo Hospital, Chennai, and thereafter, he took treatment in Vijaya Health Centre, Vadapalani. According to the petitioner, they have submitted medical bills to the tune of Rs.89,601/- towards medical reimbursement. Though the respondent requested to send a xerxo copy of the bills as the original bills forwarded to the higher authorities were not returned, the respondent in another proceedings dated 29.08.2001 requested to send the original bills and vouchers again. Thereafter, the petitioner had sent a reply on 15.05.2002 stating that she had already submitted all the original bills and vouchers. However, the petitioner did not receive any reply for the same. In such circumstances, it is submitted that though it was prayed for reimbursement of Rs.2,17,003.15/-, it would suffice if the department atleast pays the amount of Rs.89,601/-, as her son died way back i.e. on 03.10.1997.

3. In the reply affidavit, it is stated by the respondents that as per the Tamil Nadu Medical Attendance Rules, the petitioner is eligible to claim only a sum of Rs.38,828/-. However, such amount was not paid due to the pendency of Original Application filed by the petitioner.

4. It is seen from the paragraph 10 of the reply affidavit that the original bills submitted by the petitioner to the tune of Rs.89,601/- was sent to the Medical Department. However, since the said medical bills did not return by the Medical Department, the petitioner was asked to produce any other voucher or bills. It is surprised to see that though they have stated that they have received the original bills to the tune of Rs.89,601/- as seen from the Memo dated 08.11.200 of the third respondent, they had sanctioned only a sum of Rs.38,828/-. It is another surprising factor that the respondent department has not disbursed even the said amount of Rs.38,828/- to the petitioner citing pendency of the Original Application. Therefore, having agreed for receiving the original bills to the tune of Rs.89,601/-, it is the duty of the respondent to pay the medical assistance to the petitioner, as she left to lurch after her only son died due to heart ailment.

5. Thus, it is a fit case where this Court can order interest at 12% per annum in view of 14 years of delay for paying even a sum of Rs.38,828/- to the petitioner towards medical reimbursement. However, this Court, by restricting the same, hereby directs the respondents to pay a lump sum of Rs.65,000/-, apart from paying sanctioned amount of Rs.38,828/- to the legal heirs of the deceased. The respondents are directed to complete the said exercise within a period of four weeks from the date of receipt of a copy of this order.

6. In fine, the writ petition stands allowed as indicated above. No Costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary to Government,
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Chennai - 9.
- 2.The Director General of Police,
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- 3.The Superintendent of Police,
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1 cc to Government Pleader, Sr. 30924

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