

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.22784 of 2018

S. Gunasekaran

... Petitioner

..vs..

1. The Director General,
Railway Protection Force,
RPF Control Room,
Railway Board,
New Delhi - 110 001.
2. The Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Southern Railway Head Quarters,
E.V.R. Road,
Chennai - 600 003.
3. The General Manager,
Southern Railway,
Southern Railway Head Quarters,
E.V.R. Road,
Chennai - 600 003.
4. The Divisional Security Commissioner,
Railway Protection Force,
Railway Division Office,
Sooramangalam,
Salem - 600 005.
5. The Assistant Security Commissioner,
Railway Protection Force,
Railway Division Office,
Sooramangalam,
Salem - 600 005.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus to direct the respondents to reimburse the medical expenses incurred by

the petitioner during the course of employment based on representation of the petitioner dated 04.07.2018.

For Petitioner :Mr.C.Prabakaran

For Respondents:Mr. P.T.Ramkumar,
Senior Advocate for R1 to R5

O R D E R

Mr.P.T.Ramkumar, learned Standing counsel takes notice for the respondents.

2.The petitioner has come forward with the Writ Petition seeking for a direction to the respondents to reimburse the medical expenses incurred by the petitioner during the course of employment, based on the representation of the petitioner dated 04.07.2018.

3.The case of the petitioner is that he was working as a constable in the respondent department and during the course of his employment, he had undergone surgery for his knee in a private hospital, for which he had spent more than two lakhs. As the claim for reimbursement has not considered for the reason that the petitioner has took the treatment privately, he made a representation on 04.07.2018 to the respondents, indicating therein that such treatment was taken on account of the urgency and as such the respondent being duty bound to reimburse all the medical expenses, has no ground to refuse the expenses incurred by him for his treatment and requested the respondents to reimburse the same. Since the same has not been considered so far, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

4. The learned counsel for the petitioner submits that though he has sought for a larger relief but now he confines his prayer seeking a direction to consider his representation within a stipulated period, hence this Writ Petition may be disposed of without seeking reply affidavit giving a direction to the respondent, more particularly the fourth respondent to take a decision on his representation made in this regard, on the aforesaid date.

5. The learned counsel appearing for the respondents however submits that there being no inaction on the part of the respondents, in view of the fact that the representation itself is misconceived and filed in recent past, this writ petition is disposed of on merit. However, if the Courts so desires to issue such a direction, the same may be given to the fourth respondent, as he is competent to dispose of the representation,

but without any fetter to consider such representation in any particular manner.

6. Regard being had to the aforesaid facts and submissions made, especially the fact that the petitioner has made a representation for reimbursement of the medical expenses incurred by him and the same is pending, this Court disposes of the Writ Petition at the stage of admission, without seeking counter/reply affidavit with a direction to the fourth respondent to take an informed and considered decision on such representation of the petitioner dated 04.07.2018, on merits and in accordance with law, if there is no other legal impediment, within a period of six weeks from the date of receipt of a copy of this order and intimate such decision taken to the petitioner. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director General,
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Salem - 600 005.

5. The Assistant Security Commissioner,
Railway Protection Force,
Railway Division Office,
Sooramangalam,
Salem - 600 005.

+1cc to Mr.C.Prabakaran, Advocate Sr.60459

+1cc to Mr.P.T.Ramkumar, Advocate Sr.60512

W.P.No.22784 of 2018

srg 24/09/2018



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