



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD).No.3891 of 2018

S.Subramanian

...Petitioner

Vs.

- 1.The secretary,
Adi Dravidar Welfare Department,
Secretariat, Chennai-9.
- 2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai.
- 3.The Director of Treasuries,
Panagal Building,
Saidapet, Chennai-15.
- 4.The Welfare Officer,
District Adi Dravidar & Schedule Tribes,
Welfare Department,
Sivagangai District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to relax the existing conditions in G.O.(Ms).No.377, Finance (Salaries) Department dated 13.10.2005 and to issue a fresh G.O. mutatis mutandis and consequently direct the respondents to disburse the medical reimbursement eligible amount of Rs.1,00,000/- to the petitioner with interest from 24.12.2010 till reimbursement within the period that may be stipulated by this Court.

For Petitioner	: Mr.R.Murugan
For Respondents	: Mr.K.Saravanan
	Government Advocate

ORDER

Heard Mr.R.Murugan, learned counsel, appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate, appearing for the respondents.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.



3.The petitioner is a retired employee in the Adi Dravidar Welfare Department. He met with an accident on 18.06.2007. He took treatment for more than 20 days as an inpatient at Apollo Hospital, Madurai. In fact, the petitioner incurred an expenditure to the tune of Rs.3,48,522/-. But the permissible limit is only Rs.1,00,000/-. The second respondent herein by proceedings dated 24.12.2010 sanctioned reimbursement of the said amount. But thereafter, it was noticed that the surgery/treatment given to the petitioner was not covered under G.O.(Ms).No.377, Finance (Salaries) Department, dated 13.10.2005. Therefore, he moved for obtaining necessary relaxation order. The matter is pending ever since. The petitioner is now aged about 61 years. It is not in dispute that he met with an accident. It is also not in dispute that he took treatment in a network hospital. The petitioner had in fact incurred a sum of Rs,3,48,522/-. But what was claimed was only reimbursement to the tune of Rs.1,00,000/-. On the ground that the treatment given to the petitioner was not covered by the G.O.(Ms). No.377, Finance (Salaries) Department, dated 13.10.2005, the matter has been put on hold. The petitioner got admitted as an inpatient in a reputed hospital. The nature of the treatment to be given to the petitioner is to be decided only by the doctor concerned. The petitioner has no control over the same. Therefore, in these circumstances, it is not justifiable to keep the petitioner's case for without a decision for so long.

4.The first respondent is directed to approve the sanctioned order passed by the second respondent as early as on 24.12.2010 and release the sum of Rs.1,00,000/- to the petitioner within a period of six weeks from the date of receipt of a copy of this order. If the said amount is not released within the aforesaid period it would carry interest at the rate of 6% per annum from 24.12.2010.

5.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The secretary,
Adi Dravidar Welfare Department,
Secretariat, Chennai-9.

2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai.

3.The Director of Treasuries,
Pandagal Building,
Saidapet, Chennai-15.



4.The Welfare Officer,
District Adi Dravidar & Schedule Tribes,
Welfare Department,
Sivagangai District.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55146
+1CC TO M/S.R.MURUGAN, ADVOCATE, SR NO.54780

ORDER MADE IN
W.P. (MD) .No.3891 of 2018
13.03.2018

tsg

MS/RSK/SAR-4/21.03.2018/3P.7C