



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)No.1116 of 2018

and

C.M.P.(MD).No.8054 of 2018

and

WP(MD). 5109/ 2016

1. The Treasury Officer,
District Treasury,
Sivagangai.

2. The Assistant Sub Treasury Officer,
Sub Treasury,
Karaikudi.

... Appellants/ Respondents

Vs.

M.Alagappan (retired)

... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 27.02.2017, passed by this Court in W.P. (MD).No.5109 of 2016.

Prayer in WP(MD). 5109/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the impugned order dated 08.12.2015 by the 1st respondent in Na.ka.no.11233/2015/G3 and QUASH the same and consequently directing the respondents to pay the Medical claim as per the representation of the petitioner dated 30.10.2015.

For Appellants

: Mr.A.K.Baskara Pandian
Special Government Pleader

For Respondent

: Mr.S.Manikandan for
Mr.R.Sundar Srinivasan

J U D G M E N T

[Judgment of the Court was delivered by M.M.SUNDRESH,J.]



reimbursement was set aside, by placing reliance upon the order of the Division Bench.

2. By consent of both parties, the writ appeal itself is taken up for final disposal.

3. We have perused the order passed by the learned Single Judge, who has given a factual finding on the entitlement of the respondent. It was also held that the factum of treatment and the ailment are not disputed. Therefore, merely because the respondent took treatment in some other hospital other than the one mentioned in the Government Order, the request made by him cannot be denied. We do not find any error in the order passed by the learned Single Judge in W.P.(MD).No.5109 of 2016, dated 27.02.2017 and the learned Single Judge has passed the order relying upon the order of the Division Bench in W.A.(MD).No.1579 of 2016, dated 16.12.2016.

4. In the result, the writ appeal is dismissed, confirming the order passed by the learned Single Judge in W.P.(MD).No.5109 of 2016, dated 27.02.2017. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Treasury Officer,
District Treasury,
Sivagangai.

2. The Assistant Sub Treasury Officer,
Sub Treasury,
Karaikudi.

- 1 CC TO Mr.R.Sundar Srinivasan, ADVOCATE IN SR No.82106.
- Akv
- DS SV SAR-4 22.10.2018 2P 4C

W.A.(MD)No.1116 of 2018

04.09.2018