



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 21.08.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH  
AND  
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1010 of 2018  
and C.M.P. (MD) No.7100 of 2018

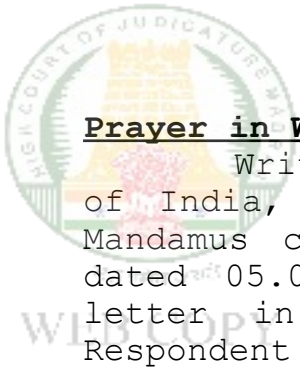
- 1.The Principal Secretary to Government,  
Department of Finance (Salaries),  
Fort St. George,  
Chennai - 600 009.
  - 2.The Commissioner of Treasuries and Accounts,  
Panagal Building, Saidapet,  
Chennai - 15.
  - 3.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
  - 4.The Joint Director of Medical & Rural Health Services,  
Ramanathapuram District,  
Ramanathapuram.
  - 5.The District Treasury Officer,  
Ramanathapuram District,  
Ramanathapuram.
- ... Appellants/Respondents 1 to 5

Vs.

- 1.D.Kalimuthan,  
Tahsildhar (SSS),  
Taluk Office,  
Thiruvadanai Taluk,  
Ramanathapuram.
- ... 1st Respondent/Petitioner

- 2.The Divisional Manager,  
United India Insurance Company Limited,  
V Floor, P.L.A. Rathna Towers,  
212, Anna Salai, Chennai - 600 006.
- ... 2nd Respondent/6th Respondent

Writ Appeal filed under Clause 15 of Letter Patent against  
<https://hcservices.ecourts.gov.in/hcservices/>  
the order passed by this Court in W.P.(MD)No.23340 of 2016 dated  
02.12.2016 and allow this Writ Appeal.



**Prayer in WP(MD)No. 23340/ 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 relating to the Impugned Order dated 05.02.2016 of the 6th Respondent and consequently issued letter in Na.Ka.No.5346/P-2/2015 dated 14.03.2016 of the 4th Respondent and quash the same and consequently directing the Respondents to reimburse the Medical expenses of Rs.2,63,854/- with interest to the Petitioner.

For Appellants : Mr.A.K.Baskarapandian  
Special Government Pleader

**JUDGMENT**

**(Judgment of the Court was delivered by M.M.SUNDRESH, J)**

This appeal is preferred against the order of the learned Single Judge, by which the respondents therein were directed to consider the claim of the 1st respondent/petitioner in the light of the judgment of this Court in Star Health and Allied Insurance Co. Ltd., v. A. Chokkar and another [2010 2 LW 90].

2.By the impugned order, reimbursement was declined by the appellants on the ground that the treatment procedure has not been mentioned in the Government Order passed in G.O.Ms.No.243 Finance (Salaries) Department dated 29.06.2012 and therefore, the first respondent herein is not entitled for reimbursement. The learned Single Judge directed the appellants and the second respondent to consider the claim of 1st respondent/petitioner in the light of the decision of this Court in Star Health and Allied Insurance Co. Ltd., v. A. Chokkar and another [2010 2 LW 90].

3.We do not find any error in the order passed by the learned Single Judge. Admittedly, the claim made is genuine and the treatment was in fact given to the eligible person. The amount spent is also not in dispute. The first respondent's wife underwent surgery in the Apollo Hospital for heart ailment. Though the treatment procedure is not listed in the Government Order, the refusal of reimbursement is not correct as it go against the very object in providing health assistance to the employees. Hence, the Writ Appeal is liable to be dismissed.

4.In such view of the matter, this Writ Appeal is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-  
Assistant Registrar (T&P)

/True Copy/



To

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5. The District Treasury Officer,  
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+1CC to the Special Government Pleader SR.No.79951

W.A. (MD) No.1010 of 2018  
and C.M.P. (MD) No.7100 of 2018  
21.08.2018

SJ  
ES/SV/SAR 3/14.09.2018/3P/7C