

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22122 of 2004

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of 3rd respondent in rejecting the claim of the petitioner in respect of medical reimbursement by the impugned proceedings, as arbitrary, illegal, without jurisdiction and violative of Article 14 of the Constitution of India and contrary to G.O.Ms.No.175, dated 29.05.1997 and G.O.Ms.No.134, dated 09.04.2001 and set aside the proceedings dated 17.11.2001 passed by the 3rd respondent and direct the respondents to sanction and allow the medical claims of the petitioner.

Heard Ms.Hema Jaiswal, learned counsel for the petitioner and the learned Government Pleader appearing for respondents.

It has been contended by the petitioner that he is a Government employee and has been suffering with cardiac problem since 2000. The petitioner had to undergo treatment at Care hospital, Hyderabad and in the process, petitioner had incurred expenditure of Rs.9,546/-, Rs.15,934/- and Rs.23,000/-. Petitioner had submitted a representation to the respondents requesting to reimburse the above said amounts, but the respondents have rejected the same on the ground that only certain ailments are covered for medical reimbursement like Cancer, Kidney transplantation, Heart disease (Bypass surgery), Neuro Surgery etc. Counsel for petitioner contend that respondents have mechanically rejected the claim of the petitioner for medical reimbursement. Therefore, contend that appropriate

orders be passed directing the respondents to consider the case of the petitioner for medical reimbursement.

Learned Government Pleader appearing for respondents contend that the respondents have considered the case of the petitioner and rightly rejected the same as there are no merits and as the petitioner is not entitled for medical reimbursement. There are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents seeking medical reimbursement, within two weeks from the date of receipt of a copy of this order and upon receipt of such representation, the respondents shall re-consider the case of the petitioner in accordance with Rules and pass orders afresh without being influenced by the earlier rejection orders, within four weeks thereafter.

With these observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th December 2018

ajr