

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18059 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“...to issue writ, order, or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not granting medical benefit to the petitioner on account of his mother operation vide proceedings dated 14.11.2000 as illegal, arbitrary and unjust and consequently direct the respondents to grant medical benefit to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.”

Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner and Sri A.Ravi Babu, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as Cleaner in the respondent-Corporation on 3.5.1991 and subsequently, he was promoted to the post of Junior Assistant. As his mother was sick, the 2nd respondent-Executive Director referred his mother's case to Nizams Institute of Medical Sciences-NIMS, where she got treated. During the course, he has incurred medical expenses of Rs.45,962/- and accordingly, he submitted the said bills to the respondent-Corporation for reimbursement. But, the respondent-Corporation had rejected the case of the petitioner

vide proceedings dated 14.11.2000. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner relied upon the Andhra Pradesh State Road Transport Corporation Employees' (Medical and Attendant) Regulation, 1963 and submits that as per Section 2 (iv) thereof parents, who are wholly dependant and residing with the employee are covered. Further, as per Regulation 12 (B) the dependant parents of an employee as defined under Regulation 2(viii) shall be entitled to medical facilities to the extent available at the APSRTC Dispensaries/APSRTC Hospital, Tarnaka, Osmania (General Hospital, Gandhi Hospital and other Government Hospital. Learned counsel submits that at the instance of the 2nd respondent only, the petitioner got his mother's treatment at NIMS, but the respondent-Corporation did not contend that NIMS is not one of the notified hospitals in the said Regulations and it comes under any other Government hospitals and that a direction can be given to the respondent-Corporation to grant medical expenses, which were incurred for treatment of the petitioner's mother.

Learned Standing Counsel appearing for the respondents contends that the as per Regulation 12(B) of the said Regulations only the hospital which was listed therein

and where treatment is taken by the employees for themselves and for the dependants will be reimbursed, but NIMS is not a notified hospital in the said regulations and in view of the same, the case of the petitioner was rightly rejected and no medical reimbursement was granted to the petitioner and the writ petition is liable to be dismissed. Learned counsel further contends that the 2nd respondent-Executive Director has referred the case of the petitioner's mother only for consultation and certain tests, but not for undergoing operation and contends that the letter given by the Executive Director will not entitle the petitioner to claim for medical reimbursement. There are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondent-Corporation to re-examine the case of the petitioner.

Accordingly, the Writ Petition is allowed and the impugned proceedings dated 14.11.2000 are set aside. The respondent-Corporation is directed to re-examine the case of the petitioner by duly taking into account that NIMS is also one of the Government Institutions and pass appropriate

orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th November, 2018
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