

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9369 of 2004

O R D E R:

This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings dated 27.04.2004 issued by respondent No.2, in recovering the medical reimbursement amounts from the salary of the petitioner, as illegal and arbitrary.

Petitioner is an Archaka in respondent No.2 temple at Vemulawada. His father retired as Head Master in Primary School, Konaipally, Vemulawada Mandal. Thereafter, he underwent bye-pass surgery on 28.06.2002 in NIMS, Hyderabad. In the process, petitioner incurred an amount of Rs.85,000/- towards surgery of his father and he submitted medical bills for getting medical reimbursement. Initially, the same was approved by respondent No.2 vide proceedings, dated 15.07.2002 and a sum of Rs.50,000/- was also paid directly to the authorities of NIMS, Hyderabad, but, subsequently, an audit objection being raised and the sanctioned amounts were cancelled and the amount were sought to be recovered from the monthly salary of the petitioner.

The grievance of the petitioner is that though respondent No.1 by proceedings dated 20.09.2003 approved the proposals sent by Director of Medical Education, Hyderabad, respondent No.2 illegally and arbitrarily issued the proceedings dated 27.04.2004 ordering to recover the sum from the salary of the petitioner.

Learned counsel for petitioner would contend that the only reason for rejection of the claim of the petitioner was that his father worked as Head Master in MPDO, Vemulawada, which is the competent authority to reimburse the amounts incurred for the surgery of his father. Since the petitioner did not claim the same from MPDO, Vemulawada, appropriate orders may be passed directing respondents to stop recovery of the amounts from the salary of the petitioner.

Learned Standing counsel for respondents would contend that the petitioner is not entitled for any medical reimbursement amounts incurred towards surgery of his father since his father is a retired Head Master in MPDO, Vemulawada, which is the competent authority to reimburse the medical bills, as it is his parent department. Petitioner cannot claim the same from his

department. There are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of both the counsel, is of the considered view that ends of justice would be met if the petitioner is directed to submit a fresh representation to respondent authorities within two weeks from the date of receipt of a copy of the order and upon receipt of the same, respondents shall reconsider the case of the petitioner and pass appropriate orders without being influenced by the rejection order dated 27.04.2004, within a period of four weeks thereafter.

With the above observation, the writ petition is disposed of.

No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

03.12.2018
Mjl/*