

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22557 OF 2003

ORDER:

1. This Writ Petition is filed seeking a writ of *Mandamus* declaring the action of the respondents in rejecting the claim of the petitioner for medical reimbursement *vide* proceedings, dated 20.02.2002, and proceedings dated 04.10.2002, as arbitrary, illegal, and in violation of A.P.S.R.T.C. Employee (Medical Attendance) Regulations, 1963 and, consequently, direct the respondents to release the amount of Rs.59,000/- together with interest.

2. Heard Smt. K.Udaya Sri, learned counsel for the petitioner, and Sri S.V.Ramana, learned standing counsel, appearing on behalf of the respondents – A.P.S.R.T.C.

3. It has been contended by learned counsel for the petitioner that the petitioner was initially appointed as a driver on 09.04.1997 and, his service was regularized with effect from 01.08.1998 and, while he was discharging his duties, met with an accident on 22.08.1999. The petitioner has submitted an application for leave, as per Section 46(a) of A.P.S.R.T.C. Leave Regulations. The petitioner was hospitalized and when he had recovered from the said injuries, the petitioner has reported to duty. The grievance of the petitioner is that the respondents have not reimbursed the medical bills, even though the petitioner is entitled as per the regulations. When the petitioner has submitted bills seeking reimbursement of the medical expenses, the respondents have rejected the same *vide* orders, dated 20.02.2002 and 04.10.2002, respectively. Challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner contends that as per medical rules, the petitioner is entitled for medical reimbursement, but the respondents have erroneously rejected the case of the petitioner and contends that appropriate orders be passed directing the respondents to reimburse the medical expenditure incurred by him while undergoing treatment.

5. Learned Standing Counsel, appearing on behalf of the respondents, submits that the case of the petitioner was considered and rejected on the ground that the claim is a belated one. Though the petitioner underwent treatment during the year 1999, he claimed reimbursement only in the year 2002. As per the relevant regulations, the claim has to be made within a reasonable period. But, in the present case, the petitioner has claimed for reimbursement after nearly two and half years, there are no merits and the writ petition be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the ends of justice would be met if the writ petition is disposed of with a direction to the respondents to reconsider the claim of the petitioner, by thoroughly taking into account the medical bills and certificates, and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order.

7. Accordingly, with the above observation, the Writ Petition is disposed of. No order as to costs.

8. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 23.11.2018.
Dsh

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