



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.01.2020
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Review Petition No.153 of 2019
in
W.P.No.18120 of 2017

The Assistant PF Commissioner (Pension),
Sub Regional Office, Tirunelveli.

..Review Petitioner/Respondent-3

Vs.

1. K.Dorairaj
2. The Director of Pension,
DMS Complex,
Teynampet, Chennai.
3. The Accountant General,
No.361, Anna Salai,
Teynampet, Chennai.

.. Respondents

PRAYER: Review Petition filed under Order XLVII Rule of CPC read with Article 226 of the Constitution of India to review the Order of this Court in W.P.No.18120 of 2017 on 21.08.2018.

WP.NO.18120/2017:

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to immediately issue orders so as to enable him to get his medical claim of Rs.1,63,871/- for my wife's treatment under the Tamil nadu Government Servantas Health Fund Scheme, 1995 without any restrictions to ceiling in the reimbursement.

For Petitioner : Mr.T.R.Sundaram
For Respondents : Mr.K.Durai Raj - R1
Party-in-person

Mr.J.Ramesh,
Additional Government Pleader - R2

Mr.V.Vijay Shankar - R3



O R D E R

This Review Petition has been filed to review the Order of this Court in W.P.No.18120 of 2017 on 21.08.2018.

2. According to the learned counsel for the review petitioner, there is a legal embargo to issue deletion certificate as per the Order of this Court and deletion certificate cannot be issued during the lifetime of the writ petitioner. Further, it is submitted that the review petitioner shall provide an opportunity to the writ petitioner's wife and based on the statement of the wife of the writ petitioner, appropriate Orders will be passed in accordance with rules by the review petitioner. The learned counsel for the review petitioner further submitted that so far as the main relief prayed for granting medical reimbursement to the spouse of the writ petitioner is concerned, the same shall be independently adjudicated against the second respondent, namely the Director of Pension and seek remedy according to the rules.

3. The second respondent in the review petition submitted that according to them, once, deletion certificate is issued by the review petitioner, the second respondent herein shall include the name of the spouse of the writ petitioner in the Pension Pay Order Book.

4. The learned counsel for the second respondent further submitted that if any application is received from the review petitioner with regard to the medical reimbursement, the same shall be forwarded to the District Monitoring Committee, for passing appropriate Orders.

5. In view of the aforesaid statement of the parties concerned, this Court is inclined to dispose of the Review Petition in the following terms :

[i] The second respondent is directed to forward the writ petitioner's representation dated 11.09.2014 along with the copy of the Order of the third respondent to the District Level Monitoring Committee within a period of two weeks from the date of receipt of a copy of this Order and thereafter, the District Level Monitoring Committee shall dispose of the writ petitioner's representation within a period of four weeks.

[ii] In the meantime, the review petitioner shall consider the issuance of deletion certificate as directed by this Court by Order dated 21.08.2018 in Writ Petition No.18120 of 2017 after providing an opportunity to the writ petitioner's spouse,



as expeditiously as possible, not later than four weeks from the date of receipt of a copy of this Order.
No cost.

WEB COPY

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Assistant PF Commissioner (Pension),
Sub Regional Office, Thirunelveli.
2. The Director of Pension,
DMS Complex,
Teynampet, Chennai.
3. The Accountant General,
No.361, Anna Salai,
Teynampet, Chennai.

+1cc to Mr.T.R.Sundaram, Advocate sr.1790
+1cc to Mr.V.Vijay Shankar, Advocate sr.1836
+2cc to Mr.K.Durairaj, Party in Person, sr.1568

Review Petition No.153 of 2019
in
W.P.No.18120 of 2017

ev(co)
nr 24/01/2020