



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.02.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.882 of 2019

S.Nagarajan

... Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Health and Family Welfare,
Fort Saint George,
Chennai - 9.
 2. The Director of Medical and Health Services,
Office of the Director of Medical and Health Services,
DMS Complex, Anna Salai,
Chennai.
 3. The Joint Director of Medical and Health Services,
Office of the Joint Director of Medical and Health Services,
District Head Quarters Hospital,
Tirunelveli - 627 811 at Tenkasi.
 4. The District Collector,
Tirunelveli District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to reimburse the medical expenses to the tune of Rs.1,03,854/- (One Lakh Three Thousand Eight Hundred and Fifty Four Rupees only) along with interest at the rate of 7.5% in the light of the Judgment of the Hon'ble Supreme Court in Shiva Kant Jha Vs Union of India reported in 2018 SCC online SC 370/AIR 2018 SC 1975.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondent	: Mrs.J.Padmavathy Devi
Nos. 1 to 4	Special Government Pleader

ORDER

This writ petition has been filed, seeking to direct the respondents to reimburse the medical expenses along with interest in the light of the Judgment of the Hon'ble Supreme Court in Shiva Kant Jha Vs Union of India reported in 2018 SCC online SC 370/AIR 2018 SC 1975.



2. According to the petitioner, he works as an Assistant Medical Officer and he is also a subscriber to the New Health Insurance Scheme, 2012. Requesting for reimbursement of Rs.1,03,854/-, which he incurred towards the surgery undergone by his mother, he made a representation dated 21.12.2018, to the respondents. As his representation is kept pending without consideration, the petitioner is before this Court.

3. The learned Special Government Pleader submitted that the claim of the petitioner would be taken into consideration on merits.

4. Under such circumstances, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 21.12.2018, on merits and in accordance with law and pass necessary orders, after affording opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary, State of Tamil Nadu,
Department of Health and Family Welfare,
Fort Saint George, Chennai - 9.
2. The Director of Medical and Health Services,
Office of the Director of Medical and Health Services,
DMS Complex, Anna Salai, Chennai.
3. The Joint Director of Medical and Health Services,
Office of the Joint Director of Medical and Health Services,
District Head Quarters Hospital,
Tirunelveli - 627 811 at Tenkasi.
4. The District Collector,
Tirunelveli District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-51220[F] dated 04/03/2019)

DSK

DS : 26/03/2019 : 2P/6C

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