

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26873 of 2013

And

M.P.No.1 of 2013

K.Kumaran

... Petitioner

Vs.

- 1.The Asst. Commandant/DDO-CISF
Central Industrial Security Force,
Southern Zone Headquarters,
I Floor, 'D' Block, Rajaji Bhavan,
Besant Nagar, Chennai 600 090.
- 2.The Deputy Inspector General
Central Industrial Security Force,
Southern Zone Headquarters,
I Floor, 'D' Block, Rajaji Bhavan,
Besant Nagar, Chennai 600 090.
- 3.The Director General, CISF Headquarters,
No.13, CGO Complex, Lodhi Road,
New Delhi 110 003.
- 4.The Vizag Steel Plant
(Government of India Undertaking)
Rep., by its Managing Director
Administrative Block, Vizag 530 031.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings No.20014/1-3 RMC/13-5444 dt.19.07.2013 of the first respondent and quash the order passed therein and consequently direct the respondents to reimburse the entire medical claim submitted by the petitioner.

For Petitioner : M/s.Yogesh Kannadasan

For Respondents: Mr.J.Madhana Gopal Rao for R1 to R3
Ms.Akila Senguttuvan for R4
for M/s.Sarvabhauman Associates

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O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to proceedings No.20014/1-3 RMC/13-5444 dated 19.07.2013 of the first respondent and to quash the order passed therein and to consequently direct the respondents to reimburse the entire medical claim submitted by the petitioner.

2.The case of the petitioner is that while the petitioner was working in the office of the Commandant, CISF Unit, functioning in the office of the fourth respondent, his wife suffered reeling sensation, darkness in vision and head ache and she was diagnosed to have been affected with brain tumor. Initially, the petitioner's wife pursued the treatment in CMC Hospital, Vellore, which is empanelled under the fourth respondent Management. Thereafter, CMC Hospital deferred surgery and gave an option to seek second opinion.

3.It is the further case of the petitioner that thereafter the petitioner's wife obtained further opinion from the Leelavathi Hospital and Research Centre, Mumbai and the said Hospital advised the petitioner's wife to undergo surgery and indicated in writing that the approximate cost of the surgery is Rs.5 Lakhs. Thereafter the petitioner sought permission from the Unit Head, Vizag, for his wife to undergo treatment in the said Hospital and also requested to give credit/ referral letter from the fourth respondent Management.

4.It is the further case of the petitioner that thereafter, Leelavathi Hospital and Research Centre, Mumbai, reduced the cost of surgery and hospitalization to Rs.4.5 Lakhs and the said fact was intimated to the fourth respondent and after necessary correspondences, the fourth respondent Management sanctioned a sum of Rs.3.60 Lakhs as advance amount. Thereafter, the petitioner's wife underwent surgery during March, 2010 and after post-operative care and hospitalization was discharged after ten days.

5.It is the further case of the petitioner that thereafter, the petitioner submitted the medical bills and sought for balance amount, however, the balance amount was not settled. Thereafter, the first respondent with the approval of the second respondent informed the petitioner vide the impugned proceedings dated 19.07.2013 that the fourth respondent Management disallowed the medical claim and ordered recovery of the medical advance after deducting the minimum amount of Rs.56,968/-. Aggrieved by the same, the petitioner has filed this writ

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petition.

6.The learned counsel appearing for the petitioner would submit that the medical ailment undergone by the petitioner's wife is not disputed, however, the first respondent has passed the impugned proceedings without assigning any reasons. Hence, the impugned proceedings is liable to be quashed.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Perusal of the impugned proceedings disclose that without assigning any reason, direction has been issued to recover the medical advance of Rs.3,03,032/- (Rs.3,60,000/- - Rs.56,968/-). Hence, this Court is inclined to remand the matter back to the first respondent for passing a speaking order.

9.The medical ailment underwent by the petitioner's wife is not disputed. Hence, this Court remand the matter back to the first respondent for fresh consideration and for passing a speaking order.

10.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

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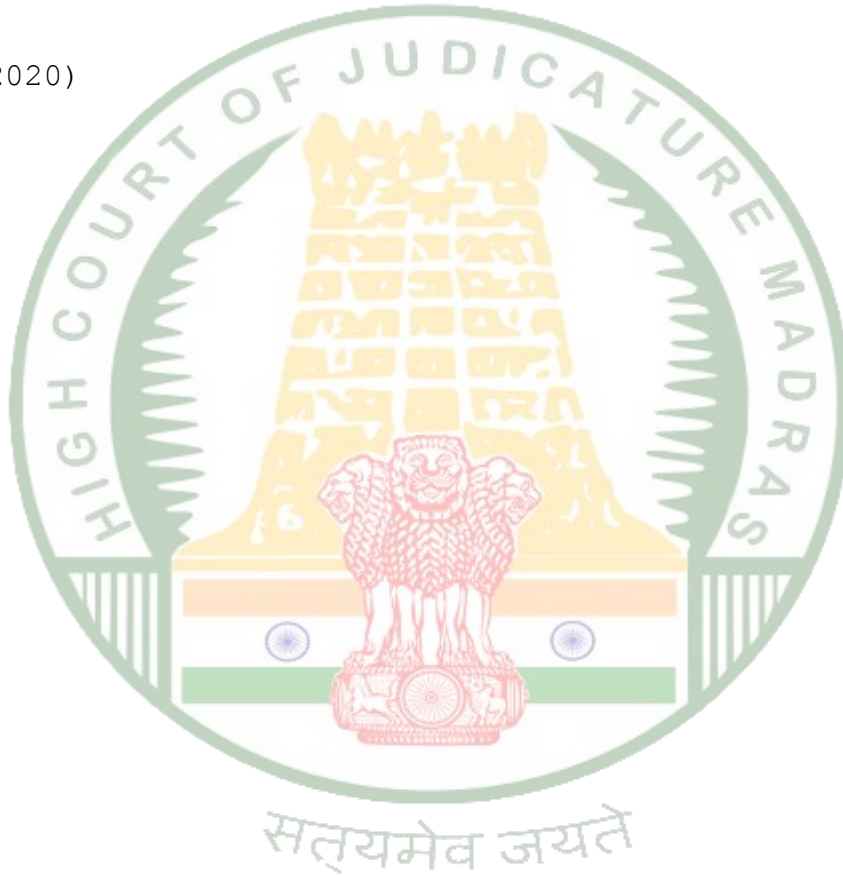
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BP (CO)
CB(21/10/2020)



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