

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.16573 of 2019

K.Damodaran ... Petitioner

Vs

Union of India
Rep.by its Additional Director,
Central Government Health Scheme,
E2C, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090. ... Respondent

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of certiorarified mandamus or any other appropriate writ calling for the records of the order passed in Original Application No.1017 of 2018 on 15.02.2019 by the Central Administrative Tribunal, Madras Bench, Chennai, and to quash the same and consequently direct the 1st respondent to return the reimbursement amount of Rupees 1,38,813/- for the Chlorine Kidney Disease expended by the petitioner at the rate of 15% interest per month till the order of the case and with damage loss amount of Rs.5 lakhs to the petitioner for the losses made by the respondent by wilfully neglecting duty u/s 166 o IPC, 1860 (2) with responsible permission letter to cure Chlorine Kidney Disease & Hemodialysis thrice per week in Sri Ramachandra Medical Hospital, Porur, Chennai without any cash amount paid by the petitioner directly or indirectly to SRM Hospital, Porur for Chlorine Kidney Disease & Hemodialysis thrice per week for the petitioner, (3), the respondent shall order or direct the CMO, CGHS, Avadi (a) under any conditions/circumstances the CMO, CGHS, Avadi should not force the patient's/the petitioner to get certificate from the Government Hospital Dr. to get treatment, medicine's/drug's b) CGHS Dr.Advised medicine's/drug's should be furnished on the next day of the drug's advised to the patient/petitioner by the CMO, CGHS, Avadi c) ENT, DENTAL, EYE Dr.'s and other specialist Dr's to visit weekly once at CMO, CGHS, Avadi.

For Petitioner : Mr.K.Damodaran
Party-in-person

For Respondent : Mr.Venkatasamy Babu
Standing Counsel

ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

The petitioner challenging the order passed in O.A.No.1071 of 2018 dated 15.02.2019 on the premise that he is entitled for the reimbursement as sought for in his representation has come forward to file this writ petition.

2. On a perusal of the order under challenge, it appears, the petitioner has indeed sought for a lesser prayer to consider his representation made by him to the concerned respondent. Taking note of it, it was accordingly ordered. Therefore, we are of the view that the remedy of the petitioner does not lie before this Court if he admits that he did not make such a request.

3. Be that as it may, the petitioner has been paid certain amounts pursuant to the orders passed by this Court. On the last occasion - 31.01.2020, the following order was passed:-

"The matter in issue pertains to reimbursement of medical expenses. In pursuant to the Court orders, a sum of Rs.1,09,866/- has been paid and in respect of balance amount, a perusal of the claim made by the petitioner, the details of which are available in the inner page No.7 of the Original Application, the petitioner has incurred nearly Rs.15,000/- for transportation and it cannot be subject matter of medical reimbursement.

2.The petitioner/party in person invited the attention of this Court to the W.M.P.No.16207 of 2019 in W.P.No.16573 of 2019 and would submit that his permission letter is accorded and the father of the petitioner may be permitted to go for dialysis without incurring any additional expenditure.

3.Mr.M.Venkatasamy Babu, learned Standing counsel appearing on behalf of the official respondent would submit that as per the Scheme, the father of the petitioner is entitled for reimbursement of the expenses and also undertakes that as and when the necessary bills of reimbursement are submitted, subject the eligibility, it will be cleared as expeditiously as possible. The said submission, on instructions, is placed on record.

4.Call the matter on 05.03.2020. Registry is directed to mark the copy of this order to the official respondent and upload the copy in the website."

4. Though the petitioner did not appear on the earlier hearing before this Court, he submits that he is entitled for reimbursement of the transportation charges as well.

5. As rightly submitted by the learned counsel appearing for the respondent, there is no provision for reimbursement of transportation charges. Admittedly, the petitioner's medical expenses has been paid.

6. In such view of the matter, we do not find any reason to pass any order in favour of the petitioner.

7. Writ Petition stands dismissed. No costs. Consequently, connected W.M.P.No.16207 of 2019 is closed.

Sd/-
Assistant Registrar -ADI (MDU)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

ssm

To

The Additional Director,
Central Government Health Scheme,
E2C, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.
+lcc to Mr.Venkataswamy Babu, Advocate, S.R.No.20619.

W.P.No.16573 of 2019

BP (CO)
VSI-2 (27.05.2020)