



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 30.01.2020**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**W.P. (MD) No.14962 of 2010**

**and**

**M.P(MD) .No.1 of 2010**

WEB COPY

M.Murugesan

... Petitioner

vs.

1.The Secretary to Government

Forest Department

Fort.St.George

Chennai 600 009

2.The Principal Chief Conservator of Forests

Panagal Maligai

Saidapet

Chennai 600 015

3.The Commissioner of Treasuries and Accounts

Panagal Building

No.1, Jennis Road

Saidapet, Chennai 600 015

4.The District Forest Officer

Dindigul Division

Dindigul

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent in Moo.Mu.No.NN.3/64063/2009, dated 16.11.2010 and quash the same and consequently direct the respondents 1 to 4 to reimburse the medical expenditure of Rs.22,448/- sanctioned by the fourth respondent in his proceedings No.5086/2005/E.1, dated 29.06.2007 towards the medical treatment of the wife of the petitioner for cancer, along with interest at the rate of 18% per annum from the date on which the petitioner became entitled to the said claim till the date of actual payment of the same, within a time frame to be fixed by this Court.

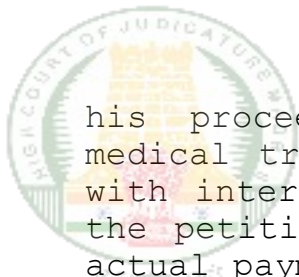
For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.D.Muruganandhan

Additional Government Pleader

**O R D E R**

The above Writ petition has been filed to call for the records relating to the order passed by the second respondent in Moo.Mu.No.NN.3/64063/2009, dated 16.11.2010 and quash the same and consequently direct the respondents 1 to 4 to reimburse the medical expenditure of Rs.22,448/- sanctioned by the fourth respondent in



his proceedings No.5086/2005/E.1, dated 29.06.2007 towards the medical treatment of the wife of the petitioner for cancer, along with interest at the rate of 18% per annum from the date on which the petitioner became entitled to the said claim till the date of actual payment of the same, within a time frame to be fixed by this Court.

2.The issue involved in this Writ petition is that the respondents have rejected the claim of the petitioner by stating that the petitioner did not taken treatment in the approved hospital. The said issue has already been settled by this Court in various Judgments. The learned counsel for the petitioner would rely on the one of the Judgments of this Court reported in **(2006) 2 M.L.J. 747 (C.Nagamuthu Vs.The State of Tamil Nadu, represented by Secretary to Government, P.W.D.Department and others)** wherein paragraph Nos. 8 and 9 read as follows:

"8.While sanctioning medical reimbursement to T. Narayani, who underwent similar operation in the very same hospital, the action of the Government in not sanctioning medical reimbursement to the petitioner towards his son's surgery, cannot be justified. The fact that the petitioner has paid contributions to the Health Fund is admitted. The treatment taken by the petitioner's son and the surgery he underwent are also not in dispute. When both T.Narayani and petitioner's son underwent surgery in the very same hospital, the non-sanctioning of medical reimbursement to the petitioner alone is violative of Article 14 of the Constitution of India. As contended by the learned counsel for the petitioner, the object of the Scheme is to give financial support to the deserving persons, who contributed towards the Health Fund Scheme. Such being the object of the scheme, it is not open to the respondents to deny the benefit given under the scheme on the ground that the treatment should be taken only in the listed hospitals.

9.I have also perused G.O.Ms.No.400 Finance (Salaries) Department, dated 29.08.2000 listing the hospitals authorised to give treatment for the purpose of getting medical reimbursement. As per Schedule II in Annexure -II to the said Government Order, the nearest hospital is " Getwell Private Hospital ,Tirunelveli", having specialization in cardiology and there is no approved hospital in the whole of Kanyakumari District. Therefore, there is every justification on the part of the petitioner to get his son treated in the Sree Chitra Tirunal Institute for Medical Science and Technology, Thiruvananthapuram. In the absence of listed hospital



*in the whole of Kanyakumari District, the respondents cannot deny medical reimbursement to the petitioner on the ground that his son did not get treatment in the approved hospital as per the Government Order"*

3. Since the issue involved in this Writ petition has already been settled by this Court in various judgments, the petitioner is entitled for reimbursement. Therefore, the order passed by the second respondent, dated 16.11.2010 is set aside and this Writ petition is allowed. The respondents are directed to pay the medical expenditure of Rs.22,448/- sanctioned by the fourth respondent, dated 29.06.2007 along with 12% interest from the date on which the petitioner become entitled to the said claim till the date of actual payment. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

msa

To

1.The Secretary to Government  
Forest Department  
Fort.St.George  
Chennai 600 009

2.The Principal Chief Conservator of Forests  
Panagal Maligai  
Saidapet, Chennai 600 015

3.The Commissioner of Treasuries and Accounts  
Panagal Building  
No.1, Jennis Road  
Saidapet, Chennai 600 015

4.The District Forest Officer  
Dindigul Division, Dindigul

+1 CC to Mr.A.THIRUMURTHY, Advocate ( SR-3879[F] dated 30/01/2020 )  
+1 CC to SPL.GP ( SR-4337[F] dated 31/01/2020 )

**W.P. (MD) No.14962 of 2010**  
**and**

**M.P (MD) .No.1 of 2010**  
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