



WEB COPY

W.P.(MD)No.11592 of 2020

R.Beatris v. The Secretary to Government

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11592 of 2020

(Through Video Conferencing)

R.Beatris

... Petitioner

Vs.

1.The Secretary to Government

(Finance and Pension department)

Secretariat,

Fort St. George, Chennai.

2.The Commissioner of Treasuries and Accounts,

Integrated Office Complex for Finance Dept.,

3rd Floor, Veterinary Hospital Campus

Anna Salai, Chennai-600 035

3.The United India Insurance Co., Ltd.,

Rep. by its Divisional Manager,

Divisional Office VI

5th Floor, P.L.A.Rathna Towers,

NO.212, Anna Salai,

Chennai.

4.The District Level Committee

Rep. by District Collector,

Nagercoil, Kanyakumari District.

5.The District Treasury Officer,

District Treasury Office,

Nagercoil, Kanyakumari District.

6.The Joint Director of Medical and Rural Health,

Nagercoil, Kanyakumari District.

7.The Sub Treasury Officer

Vilavancode

Kuzhithurai.

... Respondents

(R7 implemented Suo Motu vide this Court Order)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse Rs.4,23,734/- spent by the petitioner for the treatment underwent by her husband I.Jose by considering the request of the petitioner dated 04.09.2020 within a stipulated time fixed by this Court.



For Petitioner
For Respondents

:Mr.S.C.Herold Singh
:Mr.K.Mu.Muthu for R1, R2, R4 to R7
Additional Government Pleader
Mr.A.Shajahan for R3

WEB COPY

ORDER

The prayer in the writ petition is for a Writ of Mandamus to direct the respondents to disburse Rs.4,23,734/- spent by the petitioner for the treatment underwent by her husband I.Jose by considering the request of the petitioner dated 04.09.2020.

2.Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1,2, 4 to 7 and the learned standing counsel for the third respondent.

3.The petitioner's husband was working as an Assistant in an Aided School and retired after service. Since he is a retired employee/pensioner, he joined at the Medical Reimbursement Insurance Scheme undertaken by the State Government. Accordingly, he had been regularly remitting the monthly subscription to the said Scheme. While so, due to sudden illness, he had to be admitted in a hospital called NIMS Hospital, at Neyyattinkara, where he had undertaken treatment for two months. However, the treatment has not given any solace to the petitioner's husband and ultimately, he died. In this regard, it is the claim of the petitioner that, a sum of Rs.4,50,000/- was spent to the hospital for taking treatment for her husband and in order to reimburse the same, the petitioner has given a representation to the Sub Treasury Officer, Vilavancode at Kuzhithurai. Since the said representation had not been forwarded for consideration to the respondents and the respondents also so far has not considered the same, the petitioner has approached this Court with the aforesaid prayer.

4.The learned counsel for the petitioner would submit that, the said request of the petitioner dated 03.01.2020 can be directed to be considered by the respondents, in the light of the orders passed by this Court in a batch of cases in W.P.(MD) Nos.13429/2018 etc. batch, by order dated 28.05.2019, in the matter of ***S.Marimuthu v. State represented by its Secretary and others.***

5.Heard the learned Additional Government Pleader for the respondents, who would submit that, since the Sub Treasury Officer, to whom the representation dated 03.01.2020 was given by the petitioner, is not a party in this writ petition, whether the said representation was received by him and if so, whether he has forwarded the same was not known to the other respondents.

6.In view of the said fact, the Sub Treasury Officer, Vilavancode at Kuzhithurai, is hereby impleaded suo-motu as one of
<https://hcservices.ecourts.gov.in/hcservices/>



the party respondent and the Registry is directed to carry out the amendment to that effect.

7. Since the petitioner claims only medical reimbursement and in this regard, she has made a request on 03.01.2020 along with the medical bills, the same can be considered by the respondents in accordance with law, especially, in the context of the directions given by this Court in the judgment in W.P.(MD) Nos.13429/2018 etc. batch (cited supra).

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

"That the representation of the petitioner dated 03.01.2020 addressed to the 7th respondent (Newly impleaded) shall immediately be forwarded to the District Level Committee, ie., the fourth respondent, who, on receipt of the same, shall take necessary action to consider the same, in the light of the orders passed by this Court in W.P.(MD) Nos.13429/2018, where, at Paragraph No.80 of the said order, a set of directions and guidelines have been given by this Court and following the same, the request of the petitioner can be considered on merits and in accordance with law within a period of twelve weeks from the date of receipt of the representation from the 7th respondent, who shall immediately forward the same within a period of two weeks from the date of receipt of a copy of this order".

9. With the above directions, the writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary to Government
(Finance and Pension department)
Secretariat,
Fort St. George, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner of Treasuries and Accounts,
Integrated Office Complex for Finance Dept.,
3rd Floor, Veterinary Hospital Campus
Anna Salai,
Chennai.

3.The District Collector
District Level Committee
Nagercoil, Kanyakumari District.

4.The District Treasury Officer,
District Treasury Office,
Nagercoil,
Kanyakumari District.

5.The Joint Director of Medical and Rural Health Service,
Nagercoil
Kanyakumari District.

6.The Sub Treasury Officer
Vilavancode
Kuzhithurai.

+1 CC to M/s.SPL GP (SR-16890[F] dated 15/09/2020)

+1 CC to M/s.A. SHAJAHAN, Advocate (SR-16795[F] dated 15/09/2020)

W.P. (MD) No.11592 of 2020
14.09.2020

BK(CO)
KB(09.11.2020) 4P 9C