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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cont P.(MD).No.143 of 2020

in

W.P(MD).No.1811 of 2018

K.Pushpam

... Petitioner/Petitioner

Vs.

1.Tmt.Pallavi Paldev, I.A.S.,
District Collector,
Theni District.

2.Thiru N.Ravichandran,
Treasury Officer, District Treasury,
Theni District.

3.Thiru V.S.Anbarasu,
Joint Director of Treasuries and Accounts,
Panagal Building, Saidapet,
Chennai - 15.

.. Contemnors/Respondents

PRAYER: Contempt petition filed under Section 11 of Contempt of Court Act 1971, to punish the Contemnors/Respondents for committing Contempt for the wilful disobedience of the order in W.P.(MD). No.1811 of 2018, dated 28.05.2019.

Prayer in WP(MD). 1811/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus directing the respondents to Re-imburse Rs.2,24,808/- (limited to Rupees two lakhs only) being the Medical Expenditure incurred by the petitioner for the treatment given to the petitioner s husband G.Kannan for the Major Heart Surgery of Right Pneumonectomy at Meenakshi Mission Hospital & Research Centre, Madurai along with interest at the rate of 10% per annum from the date of Payment of 13.2.2016 with litigation cost of Rs.10,000/- within a specified period that may be fixed by the Court.

For Petitioner: Mr.T.Ravichandran for
M/s.S.Govindan

For Respondent: Mr.A.Muthu Karuppan,
Additional Government Pleader



O R D E R

The non payment of the reimbursement towards medical expenses, the present contempt petition has been filed.

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2.Today, when the matter was called, the learned counsel for the petitioner submitted that as against the claim of Rs.1,36,547/- (Rupees One Lakh Thirty Six Thousand Five Hundred and Forty Seven only), the respondents have paid a sum of Rs.1,00,000/- (Rupees One Lakh only) on 20.10.2020 and that the balance amount of Rs.36,547/- (Rupees Thirty Six thousand and Forty Seven Only) is due.

3.The learned Additional Government Pleader submitted that based on the recommendation of the Joint Committee, the reimbursal amount of Rs.1,00,000/- (Rupees One Lakh only) alone was made.

4.In my view, the disobedience alleged cannot be termed to be wilful, since the respondents had paid a sum of Rs.1,00,000/- (Rupees One Lakh only), which according to them is the permissible amount towards medical reimbursement. However, if the petitioner is aggrieved against the non payment of Rs.36,547/- (Rupees Thirty Six thousand and Forty Seven Only) and is of the view that such a sum is also reimbursal, liberty is hereby granted to the petitioner to make the claim in accordance with law. With this liberty the contempt petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

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+1 CC to SGP (SR-1850[F] dated 22/01/2021)

Cont P. (MD) .No.143 of 2020

21.01.2021

ES (CO)

NR (11/02/2021) 3P : 5C