



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cont P.(MD).No.499 of 2020
in
WP(MD) No.10868 of 2017

M.Joseph

...Petitioner/Writ Petitioner

Vs.

1. Shri Pradeep Yadav,
Secretary,
The State of Tamilnadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2. Shri.Prasanth N.Vadanere,
Chairman / The District Collector,
The Empowered Committee
Kanniyakumari District at Nagercoil. ...Contemnor/
Respondents 1&2/Respondents 1&2

3. Shri.Perumal,
The Treasury Officer,
The District Treasury Office,
Nagercoil,
Kanniyakumari District. ...Contemnor/
Respondent 3/Respondent 4

PRAYER: Contempt petition filed under Section 11 of Contempt of Court Act 1971, to punish the respondents herein for their deliberate and wilful disobedience of the order of this Court dated 28.05.2019 in W.P.(MD).No.10868 of 2017.

Prayer in WP(MD) No.10868/2017:

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to disburse a sum of Rs.82,473/- (Rupees Eighty Two Thousand Four Hundred and Seventy Three Only) as prescribed in the New Health Insurance Scheme towards the Medical reimbursement to the petitioner with interest at the rate of 12% and pass such further or other suitable order/orders as this Hon'ble Court.



For Petitioner : Mr.S.Xavier Rajini
For Respondent : Mrs.S.Srimathy
Special Government Pleader

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O R D E R

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

2.Today, when the matter was called, the learned counsel for the petitioner submitted that as against the claim of Rs.82,473/- (Rupees Eighty Two thousand four hundred and seventy three only), the respondents have paid a sum of Rs.74,800/- (Rupees Seventy four thousand and eight hundred only) on 12.01.2021 and that the balance amount of Rs.7,673/- (Rupees Seven thousand six hundred and seventy three Only) is due.

3.The learned Special Government Pleader submitted that based on the recommendation of the Joint Committee, the reimbursal amount of Rs.74,800/- (Rupees Seventy four thousand and eight hundred 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.74,800/- (Rupees Seventy four thousand and eight hundred only), which according to them is the permissible amount towards medical reimbursement. However, if the petitioner is aggrieved against the non payment of Rs.7,673/- (Rupees Seven thousand six hundred and seventy three 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-II)

//True copy//

/ /2021
Sub Assistant Registrar

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. Shri Pradeep Yadav,
Secretary,
The State of Tamilnadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2. Shri. Prasanth N. Vadanere,
Chairman / The District Collector,
The Empowered Committee
Kanniyakumari District at Nagercoil.

3. Shri. Perumal,
The Treasury Officer,
The District Treasury Office,
Nagercoil, Kanniyakumari District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER (SR-1884[F] dated
22/01/2021)

Order made in
CONT P. (MD) No. 499 of 2020 in
WP (MD) No. 10868 of 2017
21.01.2021

TM
SRS/10.02.2021/3P/5C