

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO.598 OF 2021

JYOTI ANANTRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Mundhe Ashok A.
AGP for Respondent Nos. 1 to 3 : Mrs. M.A. Deshpande
Advocate for Respondent Nos. 4 & 5 : Mr. A.S. Jagtap h/f Mr. N.S. Kadam

CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.

DATE : 01.08.2022.

PER COURT :

We have heard both the sides.

2. The petitioner's husband who is in the employment as an Extension Officer (Education) in the Panchayat Samiti, Loha met with an accident and sustained injury and was treated at Apollo Hospital, Hyderabad. The petitioner put up a claim for reimbursement of the medical expenses. Only 50% of the expenses were reimbursed by taking a sympathetic view.

3. It appears that the petitioner's husband was treated at Apollo Hospital, Hyderabad which was duly notified by the State Government as one of the hospitals, the treatment wherein was admissible for reimbursement. Even there was a certificate issued by the Civil Surgeon Nanded certifying that the ailment with which the petitioner's husband was suffering from, was duly covered by the government resolution dated 19.03.2005.

4. In the light of the above, it *prima facie* appears that the claim for reimbursement was duly covered by the government resolution regarding

reimbursement. However, the government has taken a decision on 20.09.2018 to reimburse only 50% of the total expenses of Rs. 16,43,904/-.

5. In view of above, the writ petition is allowed in terms of prayer clause 'B', which reads as under :

“(B) By issuing writ of mandamus or any other appropriate writ, order or direction to respondent No. 1 i.e. the Chief Secretary, Rural Development and Jalsandharan Department, Maharashtra State, to decide the petitioners representation dated 29.07.2020 considering the G.R. dated 17th August 2006 by this G.R. Apollo Hospital Hyderabad is State Government recognized hospital and also G.R. dated 19th March 2005, G.R. dated 16th Nov 2011 and G.R. dated 29th May 2006”.

6. The respondents shall take appropriate decision as early as possible.

7. The Writ Petition is disposed of. The authorities shall take the decision on its own merits uninfluenced by the observations made herein above.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-