



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14339 of 2012

and

M.P.No.1 of 2012

R.Palaniswamy

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.

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

3.The Dean,
Mohan Kumaramangalam Hospital,
Salem - 1.

4.The District Forest Officer,
Athur Division, Athur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to sanction and disburse the amount of Rs.1.0 Lakh to the petitioner towards reimbursement of medical expenses for Bye Graft Surgery of heart undergone by the petitioner at Sri Ramachandra Medical College Hospiotal, Porur, Chennai in July - August, 1999 within a limited time frame along with 12% interest on the delayed payments.

For Petitioner : Mr.M.Ravi

For R1, R2 & R4 : Mr.T.Arun Kumar,
Additional Government Pleader

For R3 : Mr.C.Selvaraj
Additional Government Pleader



ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

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2. The petitioner herein, who was working as a Forester in the respondent department from the year 1975, was placed under suspension on 23.10.1998 for certain alleged lapses. His due date of superannuation was 31.10.1998, on which date, he was not permitted to retire. Thereafter, the petitioner had undergone a Bypass surgery at Sri Ramachandra Medical College, Porur, Chennai, for which, he had incurred certain expenses. Pursuant to his medical surgery, he was permitted to retire, through a Government Order in G.O.(2D) No.32, Environment and Forest Department, dated 19.07.2004.

3. The petitioner's claim for medical reimbursement has been rejected on the ground that the Assistant Treasury Officer, Athur has returned his proposals, stating that the treatment was made after the date of his retirement.

4. The learned Additional Government Pleader appearing for the respondents 1, 2 and 4, by placing reliance on the counter affidavit filed by the fourth respondent, submitted that since the petitioner had taken medical treatment after reaching the age of superannuation, he would not be entitled for reimbursement of the medical expenses.

5. I am not in agreement with such a stand taken by the respondents. The moment the petitioner was placed under suspension and not permitted to retire when he reached the age of superannuation, the employer-employee relationship continues. It is stated that during this period, he was subjected to disciplinary action. When the respondents have not permitted him to retire, he would continue to be an employee and would also be entitled for all the benefits of a Government employee.

6. Admittedly, he was permitted to retire, through G.O. (2D) No.32, dated 19.07.2004, by which time, the petitioner had already undergone the Bypass surgery and incurred certain expenses. Since he was still deemed to be in service when the medical expenses was incurred by him, the reason assigned for rejecting the petitioner's claim for medical reimbursement, cannot be sustained.

7. In the result, the petitioner is granted liberty to make a fresh request to the respondents herein, seeking for his



medical reimbursement and on receipt of the same, the concerned respondent shall pass favorable orders for medical reimbursement, in accordance with the permissible limit under their regulations, within a period of 8 weeks from the date of receipt of the request.

8. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Hvk

To

1.The Secretary to Government,
The State of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai - 600 009.

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

3.The Dean,
Mohan Kumaramangalam Hospital,
Salem - 1.

4.The District Forest Officer,
Athur Division, Athur.

+1cc to the Government Pleader SR.No.8977

+1cc to Special Government Pleader (Forest), SR.No.8733 (09/03/22)

W.P.No.14339 of 2012
and
M.P.No.1 of 2012

MT(CO)
GN(28/02/2022)