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W.P.No.5371 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2022

CORAM :

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.5371 of 2021

K.N.Ravichandran

.. Petitioner

Vs.

1. The Chief Secretary to Government
Government of Tamil Nadu
Revenue and Disaster Management Department
Disaster Management Wing, D.M.I.Section
Fort St. George, Chennai - 600 009.
2. The Additional Secretary to Government
Finance (Salaries) Department
Fort St. George, Chennai - 600 009.
3. The Commissioner of Sugars
Aavin Illam, Second Floor
No.3-A, Pasumponmuthuramalinganar Salai
Nandanam, Chennai - 600 035.
4. The Managing Director
Thiruthani Cooperative Sugar Mills
Thiruvalangadu, Thiruthani Taluk
Tiruvallur District.
5. The United India
Insurance Company Limited and Health Insurance
No.27, Lakshmi Towers
Dr.Radhakrishnan Salai, Mylapore
Chennai - 600 004.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for a writ of Mandamus directing the third respondent to sanction the medical expenses to the tune of Rs.3,61,719/- by taking note of G.O.Ms.No.180, Revenue and Disaster Management Department Disaster Management Wing, D.M.I. Section, dated 04.04.2020 and disburse the same to the petitioner.

For Petitioner : Mr. C.Prakasam

For Respondent : Mrs.M.Geetha Thamaraiselvan
Special Government Pleader
[R1]
Mr.V.Ravi
Special Government Pleader
[R2 and R3]
Mr.R.Balaramesh
Standing Counsel
[R4]

ORDER

The prayer sought for herein is for a writ of mandamus to direct the third respondent to sanction the medical expenses to the tune of Rs.3,61,719/- by taking note of G.O.Ms.No.180, Revenue and Disaster Management Department Disaster Management Wing, D.M.I. Section, dated 04.04.2020 and disburse the same to the petitioner.



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2. The petitioner is an employee of the Thiruthani Cooperative Sugar Mills, i.e., the fourth respondent. During the Covid-19 first wave, since the petitioner was affected by Covid, he had to undertake treatment between 13.07.2020 and 23.07.2020 i.e., ten days in a private hospital, where he incurred the expenditure to the extent of Rs.3,61,719/-(Rupees Three lakhs sixty one thousand seven hundred and nineteen only).

3. In order to reimburse the said amount, since the petitioner is the member of the scheme governed under the Government Order issued in this regard in G.O.Ms.No.180, has requested the third respondent to reimburse the said amount and the said representation has not been considered so far.

4. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner, Mrs.M.Geetha Thamaraiselvan, learned Special Government Pleader appearing for the first respondent, Mr.V.Ravi, learned Special Government Pleader appearing for the second respondent and Mr.R.Bala Ramesh, learned Standing Counsel appearing for the fourth respondent.



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5. In a similar circumstances, a learned Judge of this Court has passed the following orders:

“This writ petition is disposed at the time of admission by directing the respondents to pass appropriate orders on the representation of the petitioner for reimbursement of expenses incurred by the petitioner for his treatment towards Covid-19. In case, the petitioner is not entitled to compensation under the Insurance Scheme, the Government will take steps to release the amount as per the Government order in G.O.Ms.No.180, Revenue and Disaster Management Department Disaster Management Wing, D.M.I Section, Department, dated 04.04.2020 and G.O.Ms.No.475 Revenue and Disaster Management Department Disaster Management Wing, D.M.I (2) Section, Department, dated 10.09.2020. This exercise shall be carried out by the respondents within a period of eight weeks from the date of receipt of a copy of this order. No costs.”

6. Relying upon this, the learned counsel appearing for the petitioner seeks indulgence of this Court to issue a direction similar to that of the said order in this writ petition to the third respondent, who has to consider and pass orders on the representation of the petitioner dated 08.01.2021 given in this regard for medical reimbursement.



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7. Learned Special Government Pleader appearing for the official respondents and the learned Standing Counsel appearing for the fourth respondent have submitted that, under what basis such an eligibility or entitlement is approved, whether under the Government Order or under the insurance scheme shall be verified and in this regard order would be passed by the third respondent before whom the representation of the petitioner dated 08.01.2021 since has been given.

8. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

9. In view of the aforesaid, where the representation already been given to the third respondent by the petitioner on 08.01.2021 with regard to the medical reimbursement, this Court feels that a direction can be given to the third respondent to pass orders on the said representation of the petitioner dated 08.01.2021.

10. Accordingly, this Court gives a direction to the third respondent to consider and pass orders on the representation of the



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petitioner dated 08.01.2021 with regard to the claim of the petitioner for medical reimbursement to the extent of Rs.3,61,719/- (Rupees Three lakhs sixty one thousand seven hundred and nineteen) and pass orders thereon on merits and in accordance with law as per the extant Rules specifically under G.O.Ms.No.180, Revenue and Disaster Management Department Disaster Management Wing, D.M.I. Section dated 04.04.2020 and communicate the order to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

11. With these directions, the writ petition is disposed of. No costs.

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Index: Yes/No

drm/mp



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R.SURESH KUMAR,J.
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