



WEB COPY



W.P.No.25838 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.25838 of 2018

Ashwini Kumar Shukla

... Petitioner

Vs.

- 1.The Union of India,
Rep. By its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
- 2.The Director General,
Central Industrial Security Force,
CGO Complex,
Lodhi Road,
New Delhi – 110 003.
- 3.The Additional Director General,
Airport Sector, Head Quarters,
Central Industrial Security Force,
Parayavaran Bhavan, 4th Floor, B-Wing,
No.16, CGO Complex,
Lodhi Road, New Delhi – 110 003.
- 4.The Deputy Inspector General,
Central Industrial Security Force,
South Zone Head Quarters,
Rajaji Bhavan, D-Block,
Besant Nagar, Chennai – 600 090.



W.P.No.25838 of 2018

5.The Senior Commandant,
Central Industrial Security Force,
ASG, Chennai
Chennai Airport, Tamil Nadu.

6.The Assistant Commandant/ADM,
Central Industrial Security Force,
ASG, Chennai,
Chennai Airport, Tamil Nadu.

7.The Airport Authority of India,
Rep. By its Director,
Chennai Airport, Meenambakkam.
Chennai - 600 027.

(R7 - Suo motu impleaded vide
order dt. 18.03.2022)

Respondents

...

PRAYER : Petition filed Under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus to direct the respondents to
pass orders on the representation dated 16.09.2016 and reimburse the
medical expenses of Rs.1,42,841/- together with interest to the petitioner
forthwith.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.K.Srinivasamurthy
Senior Panel Counsel for R1 to R6

: Ms.A.Arul Mary for R7

ORDER

The prayer sought for herein is for a writ of mandamus directing
the respondents to pass orders on the representation dated 16.09.2016
and reimburse the medical expenses of Rs.1,42,841/- together with



W.P.No.25838 of 2018

interest to the petitioner forthwith.

WEB COPY

2. The petitioner joined in the Central Industrial Security Force as ASI in the year 2011 and had been working there and in order to take treatment of the petitioner, his unmarried sister as well as his mother at a notable hospital in Mumbai, initially he wanted to take treatment at a hospital in Mumbai subsequently for proper treatment and for convenience, he wanted to take treatment at King George's Medical University, Lucknow, for which, in fact a formal letter had been given by the petitioner seeking permission by letter dated 08.01.2014 to the CISF authorities which have been forwarded to the 7th respondent Airport Authority of India under whose control the petitioner had been deputed during the relevant point of time.

3. Despite these letters, since no permission had come to take treatment at Lucknow, in view of the severity of the decease, the petitioner's mother had to undergo the treatment at the hospital in Lucknow and the treatment went on between 13.02.2014 and 27.05.2014.

4. After taking the treatment the petitioner having collected the



W.P.No.25838 of 2018

medical bills had submitted the same to the CISF authority on 23.07.2014, after receipt of the same the CISF authority had sought for certain clarifications on 25.08.2014 which was replied by the petitioner on 17.09.2014, thereafter the bills for clarification returned by the CISF authorities themselves on 25.09.2014 which was again clarified by the petitioner on 14.11.2014 and ultimately after getting clarification the bills were forwarded by the CISF authority to the Airport Authority of India for sanctioning the medical reimbursement to the extent of Rs.1,42,841/-.

5. However, after having considered the medical bills submitted by the petitioner or on his behalf by the CISF, the Airport Authority of India vide their order dated 30.05.2017 has returned or rejected the medical bills of the petitioner on the sole ground that these bills were submitted after the prescribed limit of three months from the date of completion of the treatment.

6. Pursuant to which, the petitioner though has made an attempt to the respondents to get the medical reimbursement by making representation, since the same has not been considered, he has approached this Court by filing the present writ petition with the



W.P.No.25838 of 2018

aforesaid prayer.

WEB COPY

7. Reiterating the aforesaid facts, the learned counsel appearing for the petitioner would contend that, assuming that within three months period the bill should have been submitted by the incumbent who has taken treatment either for himself or for his eligible family members, insofar as the case of the petitioner, the treatment was over only on 27.05.2014, within three months period the bills were submitted on 23.07.2014 which is an admitted fact and thereafter certain clarification was sought for and this clarification also was immediately made and thereafter the bills have been kept pending at the Airport Authority of India for sometime and after reminders given by the CISF authorities ultimately on 30.05.2017 orders were passed stating that the bills were submitted belatedly i.e. beyond three months period. Therefore, the learned counsel for the petitioner seeks indulgence of this Court to issue a mandamus to the respondents especially the 7th respondent to process the medical bills submitted by the petitioner and pass orders with regard to the reimbursement of medical expenses as sought for, for which the petitioner is entitled to.

8. On the other hand, Mr.K.Srinivasamurthy, learned counsel



W.P.No.25838 of 2018

appearing for respondents 1 to 6 i.e. CISF by relying upon the documents by way of typed set of papers would submit that, though the application was submitted by the petitioner on 08.01.2014 seeking permission to take treatment in a particular hospital and which was forwarded immediately by the CISF to the authorities and on 11.01.2014, no communication had come to give such permission. However, due to medical emergency the petitioner had taken treatment in the hospital at Lucknow thereafter bills were submitted on 23.07.2014 wherein certain clarifications were required, for such clarifications the bills submitted by the petitioner had to be verified. Accordingly these bills were returned by the CISF on 25.09.2014. Thereafter, on 14.11.2014 clarification had been given and thereafter it was forwarded to the Airport Authority of India who was the employer to whom the CISF had deputed the petitioner during the relevant point of time. Therefore, as per the relevant rule which are in vogue, the medical reimbursement has to be undertaken only by the authority concerned to whom the deputation has been made by the CISF for their service.

9. Hence, the learned counsel appearing on behalf of the respondents 1 to 6 would submit that, in the case of the petitioner there is



W.P.No.25838 of 2018

no delay on the part of the petitioner, even on the side of the CISF there is no delay, the clarification which were required or necessitated sought for and after getting such clarification the bills were forwarded, therefore, it is a continuous action hence it can be treated that the bills were submitted in time, therefore on that ground, the returning of the bills on the part of the authority is untenable, hence a direction may be given to the Airport Authority of India.

10. On the other hand, Ms.Arul Mary, learned Standing Counsel for the 7th respondent Airport Authority of India would submit that, by relying upon the relevant rule i.e. Employees Medical Attendance and Treatment Regulations, 2003 of Airport Authority of India Regulation 9.2 which reads thus:

“9.2 The claims for reimbursement of medical expenses should be submitted to the Competent Authority within three months from the day of completion of the treatment. The time barred claims may be admitted beyond three months but within one year from the date of completion of treatment if the Competent Authority is satisfied in each case that the delay in submission of claims is for reasons beyond the control of employee.”



W.P.No.25838 of 2018

WEB COPY

11. Relying upon this, the learned Standing Counsel would submit that, the claims for reimbursement of medical expenses should be submitted to the Competent Authority within three months from the day of completion of the treatment. The time barred claims may be admitted beyond three months but within one year from the date of completion of treatment if the Competent Authority is satisfied in each case that the delay in submission of claims is for reasons beyond the control of employees.

12. Therefore, strictly construing this provision i.e. Regulation 9.2, the Airport Authority of India having considered the medical bills admittedly submitted belatedly to the Airport Authority of India by the CISF it was returned because it is beyond the limitation of three months, therefore such action on the part of the Airport Authority of India returning the bill cannot be found fault with, she contended.

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



W.P.No.25838 of 2018

WEB COPY

14. Insofar as the Regulation 9.2 is concerned, it says, within three months from the day of completion of the treatment, the bills shall be submitted and thereafter there is a condonable period of one year for reasons to be recorded in this regard which must be beyond the control of the employee for submitting such a medical bill in time.

15. However, in the present case, the petitioner has taken treatment for him and his family members between 13.02.2014 and 27.05.2014. Therefore, the last date of completion of the treatment was 27.05.2014, the three months period would be upto 26.08.2014, whereas the medical bills were submitted admittedly on 23.07.2014 which has been stated by the CISF in their counter at para 9 which reads thus:

“9. Regarding submission of medical claims, the petitioner had submitted the medical bills/claims only on 23.07.2014 vide CIW Section (ASG Chennai) letter No.(4549) dated 23.07.14 (Annexure-6) and not on 23.03.2014 as stated by the petitioner.”

16. Prior to filing of this medical bill, on 08.01.2014 though application had been sent by the petitioner for seeking permission to take



W.P.No.25838 of 2018

treatment at Lucknow and that was immediately forwarded by the CISF on 11.01.2014 it seems that the Airport Authority of India has not given any such permission and no letter to that effect have been issued even refusing the same.

17. Be that as it may, insofar as the submission of medical bills are concerned, from the point of view of the petitioner, he had submitted the bills and which were submitted within the time as the bills were submitted on 23.07.2014 which is well within the three months period.

18. Thereafter, certain clarifications were sought for by the CISF as without such clarification blindly if the claims were made to the Airport Authority of India, it may liable to be rejected for any technical reasons, therefore to seek such clarification, the CISF sought for clarification which also cannot be found fault with.

19. Such a clarification also were given by the petitioner and thereafter it was once again forwarded by the CISF to the Airport Authority of India and in the meanwhile, the Airport Authority of India by placing regulation 9.2 as referred to above against the petitioner as well as the CISF rejected the bills stating that it was submitted beyond



W.P.No.25838 of 2018

three months period.

WEB COPY

20. The petitioner being the member of the CISF whose service has been deputed to the Airport Authority of India, therefore the petitioner cannot meddle with anything directly with the Airport Authority of India without the concurrence or through its employer viz., CISF. Therefore, on the part of the petitioner, he has rightly done the submission of the bill by 23.07.2014 to the CISF and it is a duty of the CISF before forwarding the same to the Airport Authority of India to get a clarification in order to avoid technical snag in future, therefore, such a clarification was sought for and thereafter it has been forwarded to the Airport Authority of India. Therefore, it should be treated only as continuous process after submission of the bill on the part of the petitioner, both by the CISF as well as Airport Authority of India. Insofar as Regulation 9.2 is concerned, it can be construed that if the employee is the direct employee of the Airport authority of India, the Rule can be strictly followed by stating that within three months period from the day of completion of the treatment, such bill should be submitted by the Airport Authority of India. Here the petitioner is not the direct employee of Airport authority of India as he is only a deputationist, therefore the bills have to be necessarily routed through the CISF who is the employer of the petitioner and that has been



W.P.No.25838 of 2018

done in this case. On the part of the petitioner, he has submitted the bills well within the three months period, therefore the reasons stated by the Airport Authority of India in their communication dated 30.05.2017 that it was submitted beyond three months period is without any factual basis and also wrongly construing the provision i.e. Regulation 9.2.

21. Therefore, this Court has no hesitation to hold that the said reasons stated by the Airport Authority of India in returning of medical bills of the petitioner is untenable and in that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondents especially the CISF to forward the medical bill of the petitioner once again to the Airport Authority of India i.e. R7 with all necessary clarification already received from the petitioner within a period four weeks from the date of receipt of a copy of this order and on receipt of such bills from the CISF, the Airport Authority of India shall process the same and pass necessary orders as to the medical reimbursement of the petitioner as per his claim depending upon his eligibility and other conditions. The needful as indicated



W.P.No.25838 of 2018

WEB COPY

above shall be undertaken by the Airport Authority of India on receipt of the bill as indicated above from CISF within a period of four weeks thereafter.

22. With these directions, this Writ Petition is disposed of. No costs.

05.08.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

- 1.The Secretary to Government,
Union of India,
Ministry of Home Affairs,
New Delhi.
- 2.The Director General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
- 3.The Additional Director General,
Airport Sector, Head Quarters,
Central Industrial Security Force,
Parayavaran Bhavan,
4th Floor, B-Wing,



W.P.No.25838 of 2018

WEB COPY

No.16, CGO Complex,
Lodhi Road,
New Delhi – 110 003.

- 4.The Deputy Inspector General,
Central Industrial Security Force,
South Zone Head Quarters,
Rajaji Bhavan, D-Block,
Besant Nagar, Chennai – 600 090.
- 5.The Senior Commandant,
Central Industrial Security Force,
ASG, Chennai
Chennai Airport, Tamil Nadu.
- 6.The Assistant Commandant/ADM,
Central Industrial Security Force,
ASG, Chennai
Chennai Airport, Tamil Nadu.
- 7.The Director,
Airport Authority of India,
Chennai Airport, Meenambakkam.
Chennai - 600 027.



WEB COPY



W.P.No.25838 of 2018

R.SURESH KUMAR, J.

Sgl

W.P. No.25838 of 2018

05.08.2022