



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.522 of 2021

P.M.S.Mohammed Zafarulla Khan

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep., by its Secretary,
Finance (Salaries) Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Treasuries and Accounts,
Panagal Buildings, Saidapet,
Chennai-600 015.

3.The District Level Empowered Committee,
Rep., by the District Collector,
Pudukkottai District-622 001.

4.The Principal,
District Institute of Education and Training (DIET),
Machuvadi, Industrial Estate Post,
Pudukkottai-622 004.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to reimburse the medical expenditure incurred by the petitioner to the tune of Rs.1,03,249/- with interest at the rate of 12% per annum from the date of his application dated 24.12.2004 within a specified time as may be fixed by this Court.

For Petitioner	:	Mr.A.Mohan
For Respondents	:	Mr.D.Sadiq Raja, Additional Government Pleader

O R D E R

This writ petition has been filed to direct the respondents to reimburse the medical claim of the petitioner to the tune of Rs.1,03,249/- with interest at the rate of 12% per annum from the date of his application dated 24.12.2004.

2.The petitioner states that he was working as Senior



Lecturer in the 4th respondent-Institution and undergone an emergency Bypass Surgery during the year 2004. He was taken treatment in MIOT Hospitals, Chennai, from 29.10.2004 and discharged on 13.11.2004.

3.However, the fact remains that the petitioner has not pursued his claim for medical reimbursement for the past about 17 years. This writ petition itself is filed on 06.01.2021, after a lapse of about 17 years from the date of the treatment undergone by the petitioner in MIOT Hospitals, Chennai.

4.This Court is of the considered opinion that an aggrieved employee must approach the competent authority and the Court of law within a reasonable period of time. In respect medical reimbursement, the employees are aware of the scheme and therefore, they are expected to pursue the remedy within a reasonable period of time.

5.In the present case, the petitioner has filed this Writ Petition after 17 years from the date of treatment and even as per the affidavit filed by the petitioner, the application itself was submitted on 24.12.2004, which was not pursued by the petitioner. This being the factum, this Court is not inclined to entertain the writ petition after a lapse of 17 years from the date of application and this Writ Petition is liable to be dismissed on the ground of laches.

6.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

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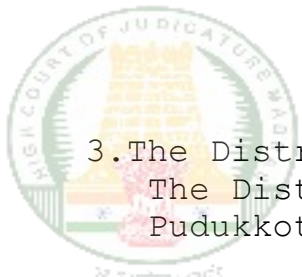
Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
The State of Tamil Nadu,
Finance (Salaries) Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Treasuries and Accounts,
Panagal Buildings, Saidapet,
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3.The District Collector,
The District Level Empowered Committee,
Pudukkottai District-622 001.

4.The Principal,
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Machuvadi, Industrial Estate Post,
Pudukkottai-622 004.

+1 CC to M/s.SPL GP (SR-9229[F] dated 01/03/2022)

W.P. (MD) No.522 of 2021
28.02.2022

CK(CO)
KB(09.03.2022) 3P 6C