



W.A.(MD)No.825 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.825 of 2022

P.M.S.Mohammed Zafarulla Khan

... Appellant

Vs.

- 1.The State of Tamil Nadu
Represented by its Secretary,
Finance (Salaries) Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai - 600015.
- 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



W.A.(MD)No.825 of 2022

WEB COPY

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order of this Court, dated 28.02.2022 made in W.P.(MD)No.522 of 2021 and allow the Writ Appeal.

For Appellant : Mr.A.Mohan
For Respondents : Mr.T.Amjad Khan,
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge in W.P.(MD)No.522 of 2021, dated 28.02.2022.

2.Heard Mr.A.Mohan, learned Counsel for the appellant and Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of the respondents. By consent of all parties, the above Writ Appeal is taken up for final disposal at admission stage itself.



W.A.(MD)No.825 of 2022

WEB COPY

3. While the appellant / petitioner was working as Senior Lecturer in the fourth respondent Institution and undergone an emergency Bypass Surgery in the year 2004, he took treatment in MIOT Hospital, Chennai, from 29.10.2004 and he states that he was discharged on 13.11.2004. Though the application for medical reimbursement was submitted immediately after the treatment, the same was not considered and hence, the appellant filed the writ petition on 06.01.2001.

4. Taking into consideration the facts that the writ petition was filed after a lapse of about 17 years from the date of the treatment undergone by the appellant /petitioner in MIOT Hospitals, Chennai, the writ petition was dismissed by the learned Single Judge only on the ground of delay and laches. Aggrieved by the same, the above writ appeal is filed by the writ petitioner.

5.This Court is unable to sustain the order by applying any legal principle. The facts are not in dispute. The application was submitted immediately after treatment in 2004, He sent remainders in 2006 and later



W.A.(MD)No.825 of 2022

in 2019. The appellant's eligibility was not questioned anytime earlier on facts.

6. The learned counsel for the appellant submitted that the appellant / petitioner's application was processed and that the delay in disbursement of amount by way medical reimbursement was due to administrative reason.

7. It is not as if the appellant /petitioner has abandoned his claim. It is not the case of the respondent that the application was not processed for want of particulars.

8. The learned counsel for the appellant submitted that the appellant /petitioner was examined by the Medical Board and the Medical Board also recommended for disbursement of amount for his medical bills by way of reimbursement. The documents required by the respondents were also submitted.



W.A.(MD)No.825 of 2022

WEB COPY

9. In such circumstances, depriving the appellant / writ petitioner of the benefit of medical reimbursement, a legitimate claim on the ground of laches cannot be sustained.

10. In the result, this Writ Appeal is allowed and the order of the learned Single Judge passed in W.P.(MD) No.522 of 2021, dated 28.02.2022 is set aside. The respondents are directed to reimburse the medical expenditure incurred by the appellant with interest at the rate of 9% per annum from the date of his application, dated 24.12.2004. The medical expenses as per the claim will be assessed on the basis of the documents and materials produced by the appellant. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
05.08.2022

Index : Yes / No
Internet : Yes / No
rm



W.A.(MD)No.825 of 2022

To

WEB COPY

- 1.The State of Tamil Nadu
Represented by its Secretary,
Finance (Salaries) Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai - 600015.
- 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



WEB COPY



W.A.(MD)No.825 of 2022

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

rm

W.A(MD)No.825 of 2022

05.08.2022