



WEB COPY



WA No.971 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.971 of 2012

The Managing Director
TASMAC Limited
Corporation Office 4th Floor, CMDA Tower II
Gandhi Irwin Road,
Egmore Chennai-600008.

...

Appellant

versus

1.Balamurugan

2.State of Tamil Nadu

Represented by its Principal Secretary
of Government

Home Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai-600009.

3.The Principal Secretary to Government,
Labour and Employment Department,
Fort St.George, Secretariat,
Chennai-600009.

4.The Regional Director,
E.S.I. Corporation No.143, Sterling Road,
Nungambakkam,
Chennai-600024.



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5.Sri Ramachandra Medical Centre
Represented by its Chairman
Porur, Chennai-600116.

... Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge dated 19.04.2012 in WP No.9096 of 2012.

For the Appellant : Mr.K.Balakrishnan
for TASMACH
for appellant
For the Respondents : Mr.K.Balu
for first respondent
Mr.P.Raja Rajeswari
Government Advocate
for respondent Nos.2 and 3
Mr.K.Prabakar
for respondent No.4
Mr.Prahalat Bhat
for respondent No.5

JUDGMENT

(Judgment of the Court was delivered by P.B. BALAJI,J.)

The third respondent in the writ petition is the appellant before us aggrieved by the order dated 19.04.2012 of the Writ Court in W.P.No.9096 of 2012. The first respondent has filed the writ petition seeking to set aside the order dated 12.03.2012 with a consequential direction to permit the writ petitioner to undergo renal transplantation in the fifth respondent hospital.



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3. According to the writ petitioner, he is earning a salary only about Rs.5,000/- per month and he will not be in a position to meet the expenses in connection with the renal transplantation to be undergone by him. The learned Single Judge has directed that the said sum of Rs.1,00,000/- to be paid by the appellant and further observed that the ceiling fixed by the appellant, i.e., the writ petitioner can only get Rs.1,00,000/- is unrealistic and to be revisited and the writ petitioner was directed to undergo the surgery and thereafter the appellant were directed to refund the amount spent by the writ petitioner. Aggrieved by the said order of the Writ Court, the appellant is before us.

4. During the course of the arguments, it is brought to our notice that subsequently the Government has issued G.O.Ms.No.160 dated 29.06.2021 regarding medical aid under the New Health Insurance Scheme 2021 where the ceiling limits have been substantially increased to Rs.4,00,000/- in cases of families of insured employees and Rs.7,50,000/- for specified illness. Therefore, appellant is willing to consider the case of the writ petitioner in the light of the new G.O.

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considering that he has suffered an order before the writ court as a special case.

5. The writ court has allowed the writ petition only on sympathetic grounds and the writ petitioner is also agreeable for submitting a fresh representation seeking reimbursement of the expenses incurred in connection with the renal transplantation and the appellant also agreed to consider the same in the light of the present G.O.Ms.No.160 dated 29.06.2021.

6. In view of the above, order of the writ court dated 19.04.2012 is set aside and consequently, the writ appeal stands allowed. The first respondent/writ petitioner is directed to give a fresh representation within a period of four weeks from the date of receipt of a copy of this order to the appellant seeking reimbursement of the expenses incurred by him for renal transplantation, over and above Rs.1,00,000/- already paid by the appellant and on receipt of such representation, the appellant shall consider the said request for reimbursement in the light of the present G.O.Ms.No.160 dated 29.06.2021 within a period of eight weeks thereafter in accordance with law.



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7. Writ petitioner submitted that he has already submitted all the bills. However, along with the representation, copies of all the bills shall also be enclosed for easy reference of the appellant.

[D.K.K., J.] [P.B.B., J.]
19.09.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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To

1.The Executive Director,
The Central Board of Secondary Education,
J.E.E. (Main) Secretariat,
Central Board of Secondary Education
PS-1-2, Institutional Area, IP Extension,
Patparganj, Delhi-110 092.

3.The Joint Secretary, (JEE-Main)
The Central Board of Secondary Educational
J.E.E. (Main) Secretariat,
Central Board of Secondary Education,
PS-1-2, Institutional Area, IP Extension,
Patparganj, Delhi-110 092.



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and

P.B. BALAJI

(mrn)

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