



W.P.No.2682 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.2682 of 2017

N.Vibushanan

... Petitioner

Vs.

1.The Principal Secretary,
Revenue Administration,
Department of Revenue,
Fort St.George, Chennai-600 009.

2.The Secretary to Government of Tamil Nadu,
Revenue Department,
For St.George, Chennai-600 009.

3.The Directorate,
Treasury and Accounts Department,
Panagal Building, Chennai.

4.The District Collector,
Salem District,
Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.1,08,267.20/- (One Lakh Eight Thousand Two Hundred and



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Sixty Seven Rupees) along with 18% p.m., interest accrued from the date of petitioner's retirement from service on 31.05.2008 within stipulated time frame.

For Petitioner : Ms.S.Sriranjini
for M/S.T.P.Prabakaran

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to pay a sum of Rs.1,08,267.20/- along with 18% p.m. interest accrued from the date of petitioner's retirement from service on 31.05.2008 within stipulated time frame.

2.The wife of the petitioner had undergone surgery for removal of uterus and ovaries. The 1st respondent asked the Director of Medical and Social Welfare Department, Salem District to clarify whether the operation undergone for removal of uterus amounts to surgery or not? and whether it was coming under the purview of medical reimbursement as per



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G.O.No.400. The Dean, Salem Government Hospital and Medical College, recommended for payment. The petitioner has undergone specialized surgery on 29.10.2007 to 10.11.2007 for appendicular Abscess at SPMH Hospital, Ammapet, Salem and actual expenses incurred by him towards surgery/treatment was Rs.26,425/-, after computing 75% the said amount comes to Rs.19,819/-. The petitioner made an application to the concerned Authority for the grant of reimbursement of medical expenses for the injuries sustained by the petitioner during the discharge of his office duty. The said application was not yet processed and no action was taken. Hence, the petitioner made a representation on 12.10.2007 and the same was not considered by the Authority. Hence, he filed W.P.No.4134 of 2010 before this Court and this Court directed the respondents to reimburse the petitioner's cost for a sum of Rs.54,575/- within a period of 8 weeks and also observed that the petitioner is entitled for a payment of Rs.72,087.77p. The concerned authorities issued proceedings for reimbursement of the amount, but the 4th respondent was not at all given any effect and the petitioner has not received any amount till date.



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3.The 4th respondent has sanctioned Rs.19,819/- and authorised the 3rd respondent to issue a crossed draft for cheque/demand a sum of Rs.19,819/- and requested the Disbursing Officer to handover the demand draft after obtaining proper acknowledgment from the petitioner. Till date the petitioner has not received any amount. The wife of the petitioner has undergone surgery of removal of uterus and ovaries and the claimed expenses incurred of Rs.32,721/-. Therefore, the petitioner is entitled for a sum of Rs.1,08,267.20p along with interest @18%p.m. Therefore, the petitioner requested the respondents to disburse the same, but till date no response from the respondents. Hence, this Writ Petition.

4.The learned Additional Government Pleader would submit that a sum of Rs.72,087/- claimed by the petitioner for the medical reimbursement charges of his knee transplant was fully sanctioned by the Government as per G.O.1(D).No.522, Revenue Department, Sec 7(1) dated 25.10.2019 and paid to the petitioner as per Demand Draft No.059275 dated 24.03.2020



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drawn on the State Bank of India, Secretariat Branch, Chennai. Without any restrictions the entire amount of Rs.72,087/- was paid to him and the same was acknowledged by the petitioner. Further, the claim of the petitioner for the reimbursement of medical expenses towards the Appendicular Abcess at SPMH Hospital, Salem for an amount of 75% of Rs.26,425/- comes to Rs.19,819/- pending with the 3rd respondent is being ascertained from him which was sanctioned for the payment as per the proceedings of the District Collector of Salem.

5.Further, the claim of the petitioner to pay medical expenses of Rs.32,721/- which was purportedly conducted on 03.01.2005 in the Government Hospital, Salem could not be claimed since the removal of uterus and ovaries was done in the Government Hospital. As per G.O.Ms.No.400, Finance Department dated 29.08.2000, the petitioner is not entitled to reimburse the said medical expenses.



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6. On a perusal of the records, it is seen that the petitioner claimed a sum of Rs.1,08,267.20p for reimbursement of medical bills. It is seen that a sum of Rs.72,087/- claimed by the petitioner for the medical reimbursement charges of his knee transplant was fully sanctioned by the Government as per G.O.1(D).No.522, Revenue Department, Sec 7(1) dated 25.10.2019 and it was paid to the petitioner as per Demand Draft No.059275 dated 24.03.2020 drawn on the State Bank of India, Secretariat Branch, Chennai. Without any restrictions, the entire amount of Rs.72,087/- was already paid to him and the same was acknowledged by the petitioner. Also the claim of the petitioner to pay medical expenses of Rs.32,721/- in the Government Hospital, Salem could not be claimed since the removal of uterus and ovaries was done in the Government Hospital. As per G.O.Ms.No.400, Finance Department dated 29.08.2000, the petitioner is not entitled to reimburse the said medical expenses. Therefore, the petitioner is only entitled to a sum of Rs.19,819/- towards payment of medical expenses for



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the Appendicular Abcess at SPMM Hospital, Ammapet. The petitioner is not entitled to any interest for the said amount.

Accordingly, this Writ Petition is partly allowed. The respondents are directed to recommend the Government to take decision in this regard within a period of four weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

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Fort St.George, Chennai-600 009.

2.The Secretary,
Revenue Department,
For St.George,
Chennai-600 009.



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3.The Directorate,
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V.BHAVANI SUBBAROYAN, J.

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