



W.P.(MD).No.5690 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5690 of 2023

Thamilarasan

... Petitioner

Vs.

1.The Registrar,
Co-operative societies,
170, Periyar E.V.R.Road,
Kilpauk, Chennai.

2.The Managing Director,
Thanjavur Central Co-operative Bank,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the impugned order passed in Na.Ka.No.1656/2020-21/E1, dated 08.02.2022 by the 2nd respondent and quash the same as illegal, consequently direct the 2nd respondent to reimburse the medical claim of the petitioner whose mother undergone treatment for Covid - 19 at Meenakshi Hospital, Thanjavur with interest.

For Petitioner : Mr.S.Chellapandian

For R1 : Mr.N.Muthu Vijayan
Special Government Pleader



W.P.(MD).No.5690 of 2023

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For R2

: Mr.D.Shanmugaraja Sethupathy

ORDER

The present writ petition has been filed to call for the records in respect of the impugned order passed in Na.Ka.No.1656/2020-21/E1, dated 08.02.2022 by the 2nd respondent and quash the same as illegal, consequently direct the 2nd respondent to reimburse the medical claim of the petitioner whose mother undergone treatment for Covid - 19 at Meenakshi Hospital, Thanjavur with interest.

2. The petitioner was appointed as an Assistant in the 2nd respondent Bank and thereafter, he was reappointed as Assistant in Tamil Nadu State Apex Co-Operative Bank at Chennai on 25.01.2021. Presently, the petitioner is working at Tamil Nadu State Apex Co-operative Bank as Assistant. While so, the petitioner's mother, namely Ponnammal was affected by Covid-19 and got admitted in network hospital, namely Meenakshi Hospital at Thanjavur on 30.08.2020. After taking treatment for a period of 10 days, on 09.02.2020 she was discharged and she was continuously under medication for more than 3 months. The total medical expenditure incurred for the treatment of the



W.P.(MD).No.5690 of 2023

petitioner's mother is to a tune of Rs.5,69,999/-. The petitioner made a request to the 2nd respondent to reimburse the medical expenditure incurred for treating his mother by representation, dated 17.01.2021. However, the said representation was not considered. Thereafter, the petitioner made a reminder to the 2nd respondent on 04.01.2022 for which they gave a reply on 08.02.2022 informing that the Covid-19 disease is not covered under the insurance scheme. Hence, the petitioner is not entitled for medical reimbursement. Challenging the same, this writ petition came to be filed.

3. The Government of Tamil Nadu in G.O.(Rt).No.12, Finance (Salaries) Department, dated 02.01.2019 has included Covid-19 in the schedule of diseases, entitled the same for the medical reimbursement and the said benefit has to be extended to the petitioner also.

4. The learned counsel for the 2nd respondent submitted that the petitioner's representation was considered as per the existing norms and it was rejected by the management. As per the circular of the Registrar of Co-operative Societies, which was circulated following the aforesaid G.O.,



W.P.(MD).No.5690 of 2023

Covid-19 is not a scheduled disease and hence, the claim of the petitioner was rejected.

5. This Court is inclined to take into consideration that the Tamil Nadu State Apex Co-operative Bank has already considered similar cases, wherein 11 employees were reimbursed with medical expenses for the family members of the employee who were affected by the Covid-19. On that basis, this petitioner is also entitled for reimbursement and hence, the 1st respondent is directed to take necessary steps to issue appropriate orders and circulate the same to all the Co-operative Banks across the State so as to cover the employees of the Co-operative Societies in terms of G.O.(Rt).No.12, Finance (Salaries) Department, dated 02.01.2019 and thereafter, the 2nd respondent, in the light of the same may consider the petitioner's representation and reminder, dated 17.01.2021 and 04.01.2022 respectively. In fine, the impugned reply of the 2nd respondent, dated 08.02.2022 is quashed. The said exercise shall be done by the 1st respondent within a period of twelve (12) weeks from the date of receipt of a copy of the order and on receipt of the circular, the 2nd respondent will act upon within a period of four (4) weeks from the date of the order passed by the 1st respondent thereafter.



W.P.(MD).No.5690 of 2023

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6. With the above said observations, this Writ Petition stands allowed.

No costs.

01.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

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Kilpauk, Chennai.

2.The Managing Director,
Thanjavur Central Co-operative Bank,
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W.P.(MD).No.5690 of 2023

L.VICTORIA GOWRI, J.

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W.P.(MD).No.5690 of 2023

01.08.2023