



CONT.P.(MD)No.1019 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **BATTU DEVANAND**

CONT.P.(MD)No.1019 of 2021

M.Sivagnanam

...Petitioner/ Petitioner

Vs.

1.Dr.K.Nedumaran,

Joint Director of Health Services,
Government Head Quarters Hospital,
Tenkasi,
Tenkasi District.

2.K.Shanmugathai

Block Development Officer (Village Panchayat)
Palayamkottai,
Tirunelveli District.

...Contemnors/Respondents

(R2 impleaded vide Court order dated 19.07.2023
passed in Cont.P.(MD)No.1019 of 2023)



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PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the Contemnors/respondents for their willful disobedience and violating the orders passed by this Court made in W.P.(MD)No.11825 of 2017 dated 12.03.2021.

For Petitioner : Mr.V.Kannan

For Respondent : Mr.Veerakathiravan

Senior Counsel

assisted by Mr.P.Subbaraj

O R D E R

This Contempt Petition has been filed complaining willful disobedience of the respondent in complying the order, dated 12.03.2021, passed in W.P.(MD)No.11825 of 2017 in true letter and spirit.

2. While disposing the said Writ Petition, this Court directed the first respondent to consider the representation of the petitioner dated



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09.02.2017, wherein, reimbursement of the amount spent for medical treatment is sought, on merits and in accordance with law and dispose the same within a period of 12 weeks from the date of receipt of a copy of the order.

3. During the course of hearing today, Mr.Veerakathiravan, learned Senior Counsel appearing for the respondents submits that the representation of the petitioner is considered in compliance of the order of this Court and an amount of Rs.4,00,000/- (Rupees Four Lakhs only) is paid to the petitioner vide G.O.(D)No.324 Finance Health Department, dated 22.09.2023. The learned Senior counsel also placed a copy of the said Government Order before the Court, which is placed on record.

4. On perusal of the same, it appears that Rs.4,00,000/- (Rupees Four Lakhs only) is credited into the account of the petitioner on 25.09.2023. Admittedly, there is an abnormal delay in compliance of the order of the Court. When this Court asked about the delay, the learned Senior Counsel submits that the District Empowerment Committee forwarded the claim file of the petitioner to the Joint Director



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of Health Services, Tenkasi, Tenkasi District, and the same was returned to the Block Development Officer, Palayamkottai, Tirunelveli District and during the transmission, the file has been misplaced and it is not traced. During the pendency of the Contempt case proceedings, the file was reconstructed and the Government took steps to implement the order of the Court and due to that reason only the delay occurred.

5. This Court is unable to accept the reason stated in this regard. This is one of the classic case to demonstrate the negligence attitude of the Government Officers dealing with the claim files of the medical reimbursement. Due to their carelessness action in dealing with the claim of the petitioner, he suffered nearly 7-1/2 years without getting the reimbursement, though he is legitimately entitled for that.

6. This Court expect from the State Government that appropriate enquiry has to be conducted in this issue to fix the liability of the concerned officers who are responsible for misplacing/mishandling the claim file of the petitioner and for the delay of 7-1/2 years caused to settle the claim of the petitioner.



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7. The learned counsel for the petitioner contends that though he made claim for a sum of Rs.8,91,269/- (Rupees Eight Lakhs Ninety One Thousand Two Hundred and Sixty Nine only) now the respondents settled only a sum of Rs.4,00,000/- (Rupees Four Lakhs only) and as in the Writ Petition, this Court directed to consider the representation only, he is reserving his right to initiate appropriate proceedings to claim the balance amount.

8. In view of the facts and circumstances of the case, this Contempt Petition is closed with the above observation.

26.09.2023

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

RM



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- 1.The Joint Director of Health Services,
Government Head Quarters Hospital,
Tenkasi,
Tenkasi District.

- 2.The Block Development Officer (Village Panchayat)
Palayamkottai,
Tirunelveli District.



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BATTU DEVANAND, J.

RM

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