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W.P.No.27797



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.27797 of 2010

A.T.Kodikumar

... Petitioner

Vs.

- 1.The Director General,
Central Industrial Security Force,
Block No.13, CGO's Complex,
Lodhi Road, New Delhi-110 003.
- 2.The Commandant,
CISF UNIT, CPCL Manali,
Chennai-600 068.
- 3.The General Manager,
Chennai Petroleum Corporation Ltd
Manali, Chennai-600 068.
- 4.The Assistant Commandant,
CISF UNIT, CPCL Manali,
Chennai – 600 068.
- 5.Deputy Commandant,
CISF Unit,
Indira Gandhi International Airport,
New Delhi-110 061.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd respondent in his in order No.Ref: HRD:02:035, dated 21.09.2010 and communicated by the 5th respondent in his letter dated 20.10.2010 of the 3rd respondent order No.Ref: HRD:02:035, dated 21.09.2010 quash the same and to direct the respondents to reimburse the sum of Rs.1,11,980/- spent towards the medical expenses for the petitioner's mother.

For Petitioner : Mr.A.S.Mujibur Rahman

For R1, R2, R4 & R5 : Mr.V.Chandrasekaran

For R3 : Mr.Sanjay Mohan for

M/s.S.Ramasubramanian & Associates.

ORDER

The petitioner herein, who is working as Constable in Chennai Petroleum Corporation Limited, made a claim for reimbursement for an amount of Rs.1,11,989/- being the expenditure incurred in connection with the treatment of his Mother who met with an accident on 20.01.2010 under CISF/CPCL Medical Rules (in short 'Rules') applicable to the employees of the respondent Corporation. Initially, the claim of the petitioner was rejected by the respondent Corporation by passing an order dated 31.03.2010 on the ground that the petitioner has submitted a declaration to treat his Mother as dependant being eligible for the benefits of medical Rules for CISF Personnel on 18.03.2010 i.e., after she met with an accident on 20.01.2010 and after availing



the treatment. However, this Court, after having examined the relevant Rules, by an order dated 19.07.2010, in W.P.No.13744 of 2010 remanded the matter back to the respondents for reconsideration by duly taking into consideration, the relevant Rules that are applicable to the case on hand. On reconsideration of the claim made by the petitioner, the respondents passed an order dated 21.09.2010 rejecting the claim of the petitioner on the ground that the Mother of the petitioner is not residing along with the petitioner under the same roof and therefore, the petitioner is not entitled for reimbursement of the expenditure incurred towards the treatment of his Mother. It is aggrieved by the said order dated 21.09.2010, the petitioner approached this Court by filing the present writ petition.

2. Admittedly, the Mother of the petitioner met with an accident on 20.01.2010 and underwent major surgery on 29.01.2010. But, it is only on 18.03.2010, the petitioner submitted a declaration to treat his Mother as dependant for the purpose of availing benefits under the CISF/CPCL Medical Rules. It is also an admitted fact that the Mother of the petitioner passed away on 20.03.2010 i.e., two days after the petitioner submitted a declaration.



3. The 3rd respondent filed counter affidavit contending that in terms of Rule 2.5.4 of Medical Rules for CISF Personnel, Chennai Petroleum Corporation Limited, in order to be eligible for medical reimbursement, the parents of the employee should be residing permanently with the CISF Personnel under the same roof. But, admittedly the Mother of the petitioner is not residing with the petitioner either on the date of accident or prior thereto. It is only on the ground that the Mother of the petitioner was not residing under the same roof as required under the 2.5.4 of Medical Rules for CISF Personnel, Chennai Petroleum Corporation Limited, the claim of the petitioner was rejected by passing the impugned order.

4. Absolutely, there is no controversy that the Mother of the petitioner is not residing either temporarily or permanently with the petitioner. Thus, it is evident that it is only the parents who are residing under the same roof along with CISF Personnel are eligible for the benefits of the CISF/CPCL Medical Rules in question. Further, in terms of Rule 2.5.7 of Medical Rules for CISF Personnel, Chennai Petroleum Corporation Limited also, the parents who are staying away from the CISF Personnel also be made eligible for benefits of CISF/CPCL Medical Rules in question provided, prior permission is



obtained from the competent authority for the parents who stay away from the CISF Personnel. In the instant case, no such permission is admittedly obtained.

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In the absence of complying with the Rules governing CISF/CPCL Medical Rules referred to above, this Court is unable to find fault with the impugned order passed by the respondents.

5. Be that as it may, the petitioner herein, having admittedly submitted a declaration having included his wife and children as dependants, on an earlier occasion failed to include his parents as dependants and it is only after his Mother met with an accident and on deathbed, the petitioner has chosen to submit a declaration to treat his Mother as dependant on 18.03.2010 and whereas, the Mother of petitioner passed away on 20.03.2010. Taking into consideration the conduct of the petitioner that he has not chosen to include his parents as dependants, while submitting a declaration originally to bring them within the purview of the CISF/CPCL Medical Rules in question, has chosen to submit a declaration two days prior to demise only to make some money out of injury suffered by his Mother.



6. In the light of the above, besides lack of merit, the petitioner also lack bonafide in making a claim for reimbursement of the medical expenditure under CISF/CPCL Medical Rules. Hence, the writ petition is liable to be dismissed and the same is accordingly, dismissed. Consequently, connected miscellaneous petitions, if any shall stand closed. No costs.

14.10.2024

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

dpa

To

1. The Principal Secretary to Government,
Co-operation, Food and Consumer Protection (CC1) Department,
Fort St.George, Chennai.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai – 10.
3. The Managing Director,
Cuddalore District Central Co-operative Bank,
Cuddalore.



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MUMMINENI SUDHEER KUMAR, J.

dpa

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