



W.P.No.8444 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8444 of 2021
and
W.M.P.Nos.8993 and 8996 of 2021

M.Ravi

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2.The Commissioner,
Department of Treasuries and Accounts,
Panagal Building,
No.1, Jeenis Road,
Saidapet, Chennai – 600 015.

3.The Additional Commissioner of Police (Traffic),
No.132, Commissioner Office,
EVK Sampath Road,
Vepery, Periyamet,
Chennai – 600 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the order passed by the first respondent vide his proceedings in Na.Ka.No.106867/Ka.Se.N.Ne(1)/2009 dated 13.04.2010 and consequent impugned order passed by the 3rd respondent in Na.Ka.No.Po.v/Ne.Su/792/17008/2020 dated 18.11.2020 and quash the same and consequently direct the 1st to 3rd respondents to reimburse a sum of Rs.1,79,342/- (Rupees One Lakh Seventy Nine Thousand and Three Hundred and Forty Two only) towards medical expenses incurred for conducting surgery on petitioner's mother with the interest of 9% within the time frame fixed by this Court.

For Petitioner : Mr.C.Santhosh Kumar

For Respondents : Mrs.E.Ranganayaki
Additional Government Pleader

ORDER

The petitioner herein is working as a Grade-I Police Constable (Traffic) in Greater Chennai Traffic Police. He is also a Member of the Tamil Nadu Benevolent Fund Scheme and New Health Insurance Scheme and he has been contributing for the said Scheme. While so, the mother of the petitioner underwent a treatment for knee surgery in Ganga Hospital, Coimbatore and therefore, the petitioner made a claim for reimbursement of the expenditure incurred by him to the tune of Rs.1,79,342/- from the respondents.



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2. The said claim of the petitioner was negated by the respondents by passing the impugned order dated 13.04.2010 and consequential order passed by the third respondent dated 18.11.2020 rejecting the claim of the petitioner on the ground that the mother of the petitioner does not come within the meaning of 'family' by placing reliance on a Circular Na.Ka.No.106867/Ka.Se.N.Ne(1)/2009 dated 13.04.2010.

3. The third respondent has filed a counter affidavit reiterating the reasons assigned in the impugned order.

4. The learned counsel for the petitioner brought to the notice of this Court that the issue as to whether the parents of an employee will come within the meaning of 'family' whereby entitling them to have protection of the Tamil Nadu Benevolent Fund Scheme and New Health Insurance Scheme etc and a learned Single Judge of this Court in W.P.No.35621 of 2019 followed a decision of a learned Division Bench of this Court in W.A(MD).No.1472 of 2018 allowed a similar claim. The learned Single Judge of this Court in W.P.No.35621 of 2019 held as under:-



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“8. The object of the Health Insurance Scheme 2016 is to help the employee to tide over the crisis faced by the employee due to a sudden and emergent medical emergency. The Government had thought it fit to appoint the United India Insurance Company Limited (the fifth respondent herein) for the implementation of the scheme and for the disbursement of the medical reimbursement. The scheme itself contemplates the list of hospitals where the employee and his family members can undergo treatment. It becomes important to take note of Annexure-I in G.O.Ms.202, dated 30.06.2016. Under Clause 4 of the Annexure, 'Family members' are defined. Clause 4(iii) states that the parents of the employee will also be covered only till the employee remains unmarried. The said Clause, if it is read literally, on the face of it, sounds illegal and illogical. The parents of an employee will not cease to be parents after the marriage of the employee. Unfortunately, even though this society is moving towards a state where the parents are disregarded after marriage, this Court does not expect the Government to give a similar treatment for the parents of employees, who get married. This Clause cannot be read in isolation and it cannot be given a literal meaning, since it will end up with disturbing consequences. The only way to read this Clause is that the parents will continue to be treated as family members till they continue to be the dependants of the Government employee. If this Clause is not assigned this meaning, the poor parents will be left in lurch during the evening of their life and more particularly, considering the cost of medical care that is prevailing at present. Therefore, the real purport of this Clause is that the parents of the employee must continue to be the dependants of the employee and in which case they



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will also fall within the definition of 'Family members'.

5. Though, a writ appeal is stated to have been filed against the above order of the learned Single Judge of this Court, there is no stay granted as on date and further taking into consideration the fact that the above order of the learned Single Judge of this Court is by following the decision of the learned Division Bench of this Court, this Court is of the considered view that the said decision of the learned Single Judge of this Court squarely applies to the case on hand and the petitioner is also entitled for the relief on the same reasons as assigned by the learned Single Judge of this Court in W.P.No.35621 of 2019.

6. In the light of the above, the impugned order dated 13.04.2010 is wholly unsustainable and the same is accordingly set aside. Consequently, the third respondent is directed to reimburse a sum of Rs.1,79,342/- towards the medical expenditure incurred by the petitioner for the knee surgery of his mother together with interest at the rate of 6% per annum as expeditiously as possible, at any rate within a period of twelve weeks from the date of receipt of a copy of this order.



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7. This Writ Petition stands allowed. No costs. Connected Writ

Miscellaneous Petitions are closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

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