



WEB COPY



W.P.No.17491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17491 of 2024

Dr.K.Nagappan

... Petitioner

Vs

1. The Government of Tamil Nadu,
represented by its Secretary
to Government,
Health and Family Welfare Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2. The Director of Medical Education,
Kilpauk, Chennai – 600 010.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to pay the sum of Rs.2,63,539/- as directed by this Hon'ble Court by order dated 13.06.2019 in W.P.No.27755 of 2005 and confirmed by the Division Bench of this Hon'ble Court by judgment dated 19.10.2023 in W.A.No.861 of 2020 together with interest from 16.03.1998 to till date of full payment at the rate of interest applicable to General Provident Fund.

For Petitioner	: Mr.AR.L.Sundaresan Senior Counsel for Mr.L.Palani Muthu
For Respondents	: Mr.M.Brindran Additional Government Pleader

ORDER



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This writ petition has been filed for direction directing the Respondents to pay the sum of Rs.2,63,539/- as medical reimbursement together with interest from 16.03.1998 to till date of full payment at the rate of interest applicable to General Provident Fund.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was working as Tutor in the Government Hospital for Chest Diseases at Tambaram. After promotion to the post of Senior Civil Surgeon, Cuddalore, he suffered with coronary cardinal disease with unstable anjia. Immediately he was admitted to Apollo Hospital and he had paid a sum of Rs.2,63,539/- as hospital charges. Thereafter, the petitioner applied for medical reimbursement to the first respondent. However, the petitioner was restricted with the amount to the tune of Rs.52,205/-. In fact, the said amount was not paid so far. Hence, the petitioner approached the Tamil Nadu Administrative Tribunal and the same was not functioning. Therefore, the petitioner was constrained to file a writ petition before this Court in W.P.No.27755 of 2005. This Court, by an order dated 13.06.2019 allowed the writ petition, directing the respondents to pay the sum which was claimed by the petitioner as medical



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reimbursement. Aggrieved by the same, the respondents preferred an appeal in

W.A.No.861 of 2020 and the same was dismissed by the Hon'ble Division Bench of this Court, confirming the order passed by the learned Single Judge of this Court. Even then, the respondents failed to comply with the order passed by the learned Single Judge of this Court.

4. Though the petitioner has remedy by way of a contempt petition for non compliance of the order passed by this Court, it can only punish the respondents for non compliance of the order. Therefore, the petitioner once again approached this Court by way of this writ petition seeking direction directing the respondents to pay the amount with interest.

5. The learned Additional Government Pleader appearing for the respondents would submit that now the claim is pending before the second respondent and had already sent a proposal to the first respondent and it is pending for approval with the first respondent.

6. Considering the above facts and circumstances of the case, the respondents are directed to reimburse the medical expenses which were borne out by the petitioner to the tune of Rs.2,63,539/- with interest at the rate of 6% per annum from the date of his claim for medical reimbursement.



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WEB COPY 7. With the above directions, this Writ Petition stands allowed. No costs.

02.07.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
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To

1. The Secretary
to Government,
The Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Secretariat,
Chennai – 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai – 600 010.



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G.K.ILANTHIRAIYAN. J,

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