



W.P.No.32758 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM:

**THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN**

**W.P.No.32758 of 2024**

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, Jennis Road,  
Saidapet, Chennai – 600 015.

3. The Commissioner of Police,  
Tambaram Commissionerate,  
Sholinganallur, Chennai – 600 119.

4. The Additional Commissioner of Police,  
Headquarter & Traffic,  
Tambaram Commissionerate,  
Sholinganallur, Chennai – 600 119.

...Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 3<sup>rd</sup> Respondent in Na.Ka.No.R1/113/20871/2022 dated 01.10.2024 and quash the same and consequently direct the 4<sup>th</sup> respondent to reimburse a sum of Rs.2,44,809/- (Rupees Two Lakhs Forty Four Thousand Eight Hundred and Nine Only) towards medical expenses incurred for the surgery undergone by his mother with the interest of 6% within the time frame fixed by this Court.

For Petitioner : Mr. G. Santhosh Kumar

For Respondent : Mr. Abished Murthy  
Government Advocate

### **ORDER**

By consent of learned counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 3<sup>rd</sup> Respondent in Na.Ka.No.R1/113/20871/2022 dated 01.10.2024 and quash the same and consequently direct the 4<sup>th</sup>



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respondent to reimburse a sum of Rs.2,44,809/- (Rupees Two Lakhs Forty Four Thousand Eight Hundred and Nine Only) towards medical expenses incurred for the surgery undergone by his mother with the interest of 6%.

3. The facts of the case is that the petitioner is working as a Head Constable in T15 Kannagi Nagar Traffic Police Station, Tambaram, Commissionerate, Chennai – 600 097. It is stated that initially he is a member of New Health Insurance Scheme, thereafter the same was cancelled and he became a member of Tamil Nadu Benevolent Fund Scheme and deductions was made from his salary by the 3<sup>rd</sup> respondent. The grievance of the petitioner is that his mother undergone surgery in left knee and the petitioner furnished all the relevant documents to the the 4<sup>th</sup> respondent for claiming the medical expenses incurred which comes to Rs.2,44,809/-. However, the same was not considered due to which the petitioner made several representation to the 4<sup>th</sup> respondent. As there was no action taken by the 4<sup>th</sup> respondent, the petitioner filed W.P.No.24847 of 2024 seeking a direction directing the 3<sup>rd</sup> respondent to grant reimbursement. When W.P.No.24847 of 2024 was pending, the 3<sup>rd</sup>



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respondent passed the impugned order in Na.Ka.No.R1/113/20871/2022 rejecting the claim of the petitioner. Aggrieved over the same the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted when the petitioner approached this Court in W.P.No.8444 of 2021 challenging the refusal order passed by the 4<sup>th</sup> respondent on 18.11.2020 in Na.Ka.No.Po.v/Ne.Su/792/17008/2020 for grant of medical expenses incurred by the petitioner for the right leg surgery undergone by his mother, this Court allowed the said writ petition and stated that the parents will continue to be treated as family members till they continue to be the dependants of the Government employee and therefore they will also fall within the definition of “family members” mentioned in clause 4 of the Annexure- I in G.O.(MS). No.202 dated 30.06.2016. Hence, prays to allow this petition.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen that initially petitioner's mother has undergone surgery in left knee and claimed reimbursement of



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Rs.2,44,809/- and made representation to claim reimbursement and the same was not considered, due to which he approached this Court in W.P.No.24847 of 2024 and when the same was pending, petitioner's mother was instructed to undergo replacement surgery in right leg. Subsequent to which the petitioner's mother has taken treatment for right leg and the petitioner approached 4<sup>th</sup> respondent for claiming the medical expenses incurred which comes to Rs.1,79,342/- who rejected the claim of the petitioner vide order dated 18.11.2020 in Na.Ka.No.Po.v/Ne.Su/792/17008/2020 by referring to the proceedings dated 18.11.2020 in Na.Ka.No.10687/Ka.Se.N.Ne(1)/2009 dated 13.04.2010 stating that the petitioner is not eligible to claim reimbursement. Challenging the order the petitioner has filed W.P.No.8444 of 2021 wherein this Court has allowed the writ petition and rejected the proceedings of the third respondent vide order dated 18.11.2020 in Na.Ka.No.Po.v/Ne.Su/792/17008/2020.

7. This Court while dealing with a identical facts of the case in W.P.No.35621 of 2019 has held as under:-

*“8.The object of the Health Insurance scheme 2016*



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*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.No.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 will also fall*



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*within the definition of “ Family members.*

8. Therefore, in view of the facts of the case and the observation made by this Court in W.P.No.35621 of 2019 while dealing with the identical facts of the case, this Court directs the respondents to verify the claim made by the petitioner is only with regard to his parents, if so, consider the claim made by the petitioner based on the earlier decision and pass orders within a period of Eight weeks from the date of receipt of a copy of this order.

9. With the above observations this writ petition stands disposed of. No order as to costs.

**12.11.2024**

Index:Yes/No  
Speaking order/Non-speaking order  
smn



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**V.BHAVANI SUBBAROYAN,J.**

smn

To.

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Mylapore, Chennai – 600 004.

2. The Commissioner,  
Department of Treasuries and Accounts,  
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