



WP(MD) No.15801 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15801 of 2022

S.Ramesh Kumar

... Petitioner

Vs.

1.The Joint Registrar,
Co-Operative Societies,
Dindigul Zone,
Dindigul.

2.The Deputy Registrar
Co-Operative Societies,
Dindigul.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of



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the 2nd respondent made in his proceedings Na.Ka.20/2022/Po.Vi.Thi.2 dated 08.07.2022 and quash the same as illegal and further direct the respondents to forward the petitioners application dated 22.04.2022 for medical re-imbursement to the Joint Director of Rural and Health Services Dindigul as per Clause -15 of Annexure-A of G.O.Ms.No.160 Finance (Salaries) Department, dated 29.06.2021.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.Selva Ganesan

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 2nd respondent made in his proceedings Na.Ka.20/2022/Po.Vi.Thi.2 dated 08.07.2022 and quash the same as illegal and further direct the respondents to forward the petitioner's application dated 22.04.2022 for medical re-imbursement to the



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Joint Director of Rural and Health Services Dindigul as per
Clause -15 of Annexure-A of G.O.Ms.No.160 Finance (Salaries)
Department, dated 29.06.2021.

2. Heard Mr.D.Venkatesh, learned counsel for the
petitioner and Mr.K.Selva Ganesan, learned Additional Government
Pleader appearing for the respondents.

3. The petitioner claim for medical reimbursement for
the treatment taken by his mother for knee operation has been
rejected by the second respondent stating that the mother of the
petitioner would not come under the scheme.

4. There cannot be any quarrel on the point that neither
under the scheme of the year 2016 nor under the scheme of the year
2021, the parents of the employee has been treated as family
members, unless the employee is a divorced one.



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5. However, the claim of the petitioner is that as per the order passed in W.P.No.35621 of 2019 dated 02.01.2020 and a direction has been given to the District Treasury Officer to consider the claim of the petitioner therein and to satisfy whether the father is also a dependent of the petitioner and reimburse the medical expenses. The said order is not a direction to include the parents also under the scheme. But the order has only directed the Treasury Officer to confirm whether the parents of the employee also dependants on the employee. Hence, the order can only be construed the one as the issue of the parents be considered as dependants of the employee. The order does not say that the scheme should be revised in order to include the parents also.

6. In fact, the scheme itself is a tripartite agreement between the employee, the Government and Insurance Company. When the terms of contract, that can be agreed between the above parties who are privies to the contract, no direction can be given by



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the Court, beyond the terms agreed in the contract. The petitioner is not a divorced employee.

7. However, if the parents of the petitioner come under the definition of dependants as per the service rules, the petitioner can have the liberty of renew his claim for medical reimbursement under Tamil Nadu Medical Attendance Rules.

8. With the observation this writ petition is **disposed of**.

No costs.

04.06.2024

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



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To

- 1.The Joint Registrar,
Co-Operative Societies,
Dindigul Zone,
Dindigul.
- 2.The Deputy Registrar
Co-Operative Societies,
Dindigul.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.15801 of 2022

Dated:
04.06.2024