



W.P.(MD)No.20130 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.20130 of 2017

Nallathambi

... Petitioner

/Vs./

1.The District Collector,
Trichy District, Trichy.

2.The Joint Director of Health Service and Family Welfare,
Trichy.

3.The District Treasurer,
Trichy District, Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order passed by the 1st respondent in Mu.Mu.J3/23496/2016 dated 13.04.2017 and quash the same as illegal and consequently directing the respondents to pay the Medical Reimbursement to the petitioner under the Government of Tamilnadu, New Health Insurance Scheme 2014 within a time that may be fixed by this Court.



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For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.S.Kameswaran

Government Advocate

ORDER

The petitioner has challenged the impugned order dated 13.04.2017 passed by the first respondent rejecting the petitioner's request for medical reimbursement in respect of his medical treatment on account of heart ailment on the ground that the petitioner has already received a sum of Rs.2,16,000/- through his daughter, who is also working in government service.

2. A counter affidavit has been filed by the third respondent denying the contentions of the petitioner by reiterating the contents of the impugned order.

3. The learned counsel appearing for the petitioner would now submit that only a portion of the amount incurred by the petitioner was reimbursed and the balance amount of Rs.1,62,844/- is yet to be reimbursed. He would also contend that since the petitioner is governed



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under the health insurance scheme, the balance amount is also payable by the respondents to the petitioner. According to him, the respondents have not considered the fact that only a portion of the amount incurred by the petitioner towards his medical treatment was reimbursed and therefore, the impugned order has to be quashed and a direction may be issued to the respondents to pay the balance amount due and payable to the petitioner towards his medical reimbursement.

4. Admittedly, under the impugned order, the contentions of the petitioner as raised in this writ petition have not been considered. The petitioner categorically contends that only a portion of the amount incurred by him towards his medical treatment has been reimbursed and the said reimbursement was also made through the health insurance scheme availed by the petitioner's daughter, who is also a government servant.

5. The petitioner, at the time of seeking for medical reimbursement was a retired Sub-Inspector of Police. Since the contention of the petitioner that still the balance amount of Rs.1,62,844/- is due and



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payable towards his medical treatment has not been considered under the impugned order, this Court deems it fit to quash the same and remand the matter back to the first respondent for fresh consideration on merits and in accordance with law, after giving due consideration to the contentions of the petitioner as raised in this writ petition.

5. In the result, the impugned order dated 13.04.2017 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law, after giving due consideration to the petitioner's contention that he has received only a sum of Rs.2,16,000/-, out of a total sum of Rs.3,78,844/- which is more payable towards his medical treatment. The first respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition is disposed of.

No costs.

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Index : Yes / No

NCC : Yes / No

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ABDUL QUDDHOSE, J.

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Order made in
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