



W.P.(MD).No.30576 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.(MD).No.30576 of 2023**

Duraipandi

...Petitioner

Vs

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
- 2.The District Treasury Officer,  
Sivagangai District,  
Sivagangai.
- 3.The Superintendent of Police,  
Sivagangai District,  
Sivagangai.
- 4.The Joint Director,  
Health and Rural Development,  
Sivagangai District,  
Sivagangai.
- 5.The Senior Divisional Manager,  
United India Insurance Company Limited,  
Divisional Office; 010600,  
5<sup>th</sup> Floor, Pla Rathna Tower,  
Rajaji Buildings,  
212, Annasalai,  
Chennai – 600 006.

... Respondents



W.P.(MD).No.30576 of 2023

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.G1/E5161870/98/2023 dated 18.10.2023 and quash the same as illegal and consequently direct the respondents to reimburse the medical expenses a sum of Rs.4,08,798/- (Rupees Four Lakhs Eight Thousand Seven Hundred and Ninety Eight only) which was paid by the petitioner to his father in Devadoss Hospital, Madurai with 9% interest within the time stipulated by this Court.

For Petitioner : Mr.G.Thiruvarutselvan

For R-1 to R-4 : Mr.M.Lingadurai  
Special Government Pleader

For R-5 : Mr.C.Karthik

### **ORDER**

Heard Mr.G.Thiruvarutselvan, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 to 4 and Mr.C.Karthik, learned counsel for the 5<sup>th</sup> respondent.



W.P.(MD).No.30576 of 2023

2. This Writ Petition has been filed seeking to quash the order dated 18.10.2023 passed by the third respondent and consequently direct the respondents to reimburse the medical expenses of a sum of Rs.4,08,798/- (Rupees Four Lakhs Eight Thousand Seven Hundred and Ninety Eight only) which was paid by the petitioner for the treatment taken by his father in Devadoss Hospital, Madurai with 9% interest.

3. Mr.G.Thiruvavutselvan, learned counsel for the petitioner submitted that the petitioner made a claim for medical reimbursement for the treatment given to his father whom he claims to be dependant on him. The claim of the petitioner was rejected stating that the parents of the married son are not included under the definition of family members in the scheme and hence they are not covered.

4. However, the learned counsel for the petitioner submitted that in earlier such cases, recommendations have been made to the authorities concerned to place the matter before the District Level Empowered Committee to decide the issue in accordance with law and if the District Level Empowered Committee deems it fit can make recommendation for reimbursement under the Medical Attendant Rules. The petitioner's claim



W.P.(MD).No.30576 of 2023

was rejected by the Superintendent of Police by stating that the petitioner's father will not come under the purview of the welfare scheme.

5. Attention was drawn to the earlier decision of this Court rendered in W.P.(MD)No.11412 of 2020 dated 15.09.2020, wherein it is concluded as under:

*“12.In that view of the matter, this Court is inclined to pass the following orders:*

*“The impugned order is quashed and the matter is remitted back to the respondents for reconsideration. While reconsidering the same, the respondents, especially, the respondents 1 and 2, who are members of the District Level Empowered Committee can place the same before the District Level Empowered Committee and decide the same in accordance with law. While taking a decision, the District Level Empowered Committee shall have in mind the aforesaid two decisions made by this Court and according to the import of the said decision, the Committee can take a decision, if not under G.O.Ms.No.202, under Medical Attendance Rules and accordingly, calculate the reimbursement amount payable to the petitioner and disburse the same. The aforesaid exercise shall be undertaken by the respondents including the District Level*



W.P.(MD).No.30576 of 2023

*Empowered Committee, within a period of 12 weeks from the date of receipt of a copy of this order.”*

6. For the sake of consistency, I feel it is appropriate to pass an order in a similar line by relegating the matter back to the District Level Empowered Committee.

7. In view of the above stated reasons, this Writ Petition is **disposed of** and the impugned order passed by the third respondent in Na.Ka.No.G1/E5161870/98/2023 dated 18.10.2023 is set aside. The petitioner is at liberty to make an appeal before the District Level Empowered Committee and thereafter, the District Level Empowered Committee is directed to take a decision and pass orders, within a period of six weeks from the date of receipt of the appeal. No costs.

**13.06.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Nsr



W.P.(MD).No.30576 of 2023

**To:**  
WEB COPY

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
- 2.The District Treasury Officer,  
Sivagangai District,  
Sivagangai.
- 3.The Superintendent of Police,  
Sivagangai District,  
Sivagangai.
- 4.The Joint Director,  
Health and Rural Development,  
Sivagangai District,  
Sivagangai.
- 5.The Senior Divisional Manager,  
United India Insurance Company Limited,  
Divisional Office; 010600,  
5<sup>th</sup> Floor, Pla Rathna Tower,  
Rajaji Buildings,  
212, Annasalai,  
Chennai – 600 006.



WEB COPY



W.P.(MD).No.30576 of 2023

**R.N.MANJULA, J.**

Nsr

W.P.(MD).No.30576 of 2023

13.06.2024