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W.A.No.3432 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.A.No.3432 of 2025

1. The Government of Tamil Nadu
Rep. 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. .. Appellants

Vs.

Dr.K.Nagappan .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 02.07.2024 made in W.P.No.17491 of 2024.

For the Appellants : Mr.M.Sneha
Special Counsel

For the Respondent : Mr.AR.L.Sundaresan
Senior Counsel
for Ms.S.Meenakshi

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

The present intra-Court appeal has been directed against the
order passed by the Writ Court dated 02.07.2024 made in



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W.P.No.17491 of 2024.

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2. The issue that was raised before the Writ Court was whether the respondent/writ petitioner is entitled to get the interest for the belated payment of medical reimbursement to the tune of Rs.2,63,539/-. The respondent/writ petitioner had already obtained an order from this Court, which has been confirmed by a Division Bench of this Court, where, one of us (RSKJ) was a party, in W.A.No.861 of 2020 dated 19.10.2023, where, the following orders were passed by the Division Bench:-

"11. Therefore, the medical reimbursement which is sought for by the respondent to the extent of Rs.2,63,539/- ought to have been considered and allowed by the appellant Department. However, by citing the said reason that the similar treatment facilities are available in Government hospital and therefore on that ground the claim made by the respondent cannot be accepted and accordingly if it is rejected, that kind of approach made by the appellant department cannot be approved because, it goes against the very scope of the medical reimbursement scheme.

12. Under the medical reimbursement scheme, both the Government being the employer and the



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employees enter into a contract and therefore the terms of the contract bind both sides. When that being so, if any employee takes treatment in a networking hospital for which reasonable cost is incurred as medical bill, that should be reimbursed by evaluating the bills being produced by such employee by the District Level Committee or State Level Committee. When these are the procedures already being implemented, without exhausting the same since the appellant Department has abruptly rejected the claim of the respondent / writ petitioner, he had rightly approached the writ Court and the learned Judge, having considered the same, has allowed the writ petition.

13. Therefore, we do not find any error in the approach of the learned Judge as well as his conclusion. In result, the writ appeal fails and the same is accordingly dismissed. No costs."

3. The said order since have to be implemented, but the said amount since has not been paid, like an execution petition, the writ petition was filed by the respondent/writ petitioner, seeking a prayer of mandamus, directing the respondents, that is the appellants herein, to pay a sum of Rs.2,63,539/- as directed by the



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Writ Court vide its order dated 13.06.2019 made in W.P.No.27755 of 2005, which was confirmed by the Division Bench of this Court by the order dated 19.10.2023 in W.A.No.861 of 2020 together with interest from 16.03.1998 till the date of payment. This writ petition also was allowed by the present impugned order dated 02.07.2024 by the Writ Court.

4. Assailing the said order, though attempts have been made by *Ms.M.Sneha*, learned Special Counsel for the appellants, who expressed the difficulties that 6% interest is on the higher side, which might be modified, we are not impressed with the said submission made by the learned Special Counsel appearing for the appellants for the reason that, medical reimbursement is a Right of every employee of the State Government/pensioners of the State Government in view of the scheme having been envisaged by the State Government, for which, every month, contribution is compulsorily made by every employee/pensioners of the State Government. When that being so, the medical reimbursement is not a bounty and therefore, it has to be paid, for which, if any employee incurred in any medical expenses, that has to be reimbursed, of course, within the frame work of the scheme. When that being so, belated payment of Rs.2,63,539/- certainly would carry the interest



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that was also allowed only at 6%, which is far low or a very minimal interest comparing with the Bank REPO rate

6. In that view of the matter, we are not inclined to interfere with the order passed by the Writ Court, as the impugned order has to be sustained. Resultantly, the appeal fails, hence, it is dismissed. However, two months' time is granted to comply the order passed by the Writ Court which is impugned herein. There shall be no order as to costs. Consequently, C.M.P.No.28071 of 2025 is closed.

(R.S.K., J.) (V.L.N., J.)
03.12.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)

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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R. SURESH KUMAR, J.
AND
V. LAKSHMINARAYANAN, J.
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