



WEB COPY

WP No. 29711 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 29711 of 2024

1. P.Kamalammal

W/o.Perumal.

Petitioner(s)

Vs.

1. Government of Tamil Nadu

Rep. By Health Secretary To

Government, Fort St.George,

Chennai-600 009.

2.The Pension Pay Officer

No.571, Officers Building, Veterinary

Hospital Campus, Amma Valagam,

Ground Floor, Anna Salai,

Nandanam, Chennai-600 035.

3.The Project Manager

United India Insurance Company

Limited, No.226, Om Sakthi Tower,

Kilpauk Garden Road,

Kilpauk, Chennai-600 010.

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to pay a sum of Rs.5,00,000/- (Five Lakhs) to the petitioner as damages for causing economic hardship, economic deprivation and causing damages to the petitioner right to live with dignity under Article 21 of the constitution of India.



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For Petitioner(s): Mr.A.P.Surya Prakasam

For Respondent(s): Mr.E.Sundaram Government
Advocate for R1, R2
Mr.G.K. Venkateswaran For R3

ORDER

The writ petition has been filed in the nature of Mandamus seeking a direction against the 3rd respondent to pay a sum of Rs.5,00,000/- for damages for causing economic hardship, economic deprivation and causing damages to the petitioner.

2.It can be stated even before proceeding further with the facts of the case, the petitioner is not entitled for any damages, more particularly, for a sum of Rs.5,00,000/- or any other sum. The petitioner is entitled for the sum involved for medical treatment, that is a sum of Rs.1,01,243/- and the petitioner can claim only that particular amount.

3.Taking into consideration the fact that the petitioner is aged 95 years, let me examine the case of the petitioner herein.



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4. In the affidavit filed in support of the writ petition, it had been stated that the petitioner is a Government Family Pensioner. She had been admitted at Kauvery Hospital, at Chennai and diagnosed with Lower Respiratory Tract Infection/Bronchiectasis and was treated as an inpatient from 30.09.2023 to 02.10.2023. The petitioner had been thereafter discharged and sought refund of the treatment amount. Petitioner had submitted a bill for a sum of Rs.46,243/-, which was recommended and forwarded by the pension pay officer to the third respondent on 12.01.2024. There is yet another claim for a sum of Rs.46,243/-, which was recommended and forwarded by the pension pay officer to the third respondent on 12.01.2024. This claim was rejected by the third respondent. Additionally, petitioner had also developed diminution of vision in her left eye and was losing eye sight and was unable to move. The petitioner was advised to undergo surgery in intravitreal EYLEA/TA – Left eye and was admitted to Darshan Eye Care Nursing Home at Anna Nagar. On 30.01.2023, a cataract surgery was performed and the petitioner was discharged and had spent a sum of Rs.55,000/- directly for the treatment charges. The petitioner therefore claims the total sum involved Rs.46,243/- and Rs.55,000/-.



5. In the affidavit filed in support of the writ petition, it had been stated that this consolidated amount had been forwarded to the Pension Pay Officer, Pension Pay Office, by a letter dated 01.11.2023. This claim had been approved by the second respondent, but, however, rejected by the third respondent.

6. The learned counsel for the third respondent stated that they had rejected the claim on the basis of the letter No.29735/Finance (HI-2)/2023, dated 03.10.2023, issued by the Finance (Health Insurance) Department, Secretariat, Chennai and circulated to all organisations that any claim for the period between 01.07.2022 to 30.06.2023 should be submitted on or before 10.11.2023. It had been stated that the petitioner's claim had been submitted after 10.11.2023 and therefore, the third respondent had rejected the same. But this stand of the third respondent stands falsified on the basis of the documents produced by the petitioner indicating that the documents were submitted on 01.11.2023.

7. The learned standing counsel for the third respondent further placed reliance on the instructions given in the letter aforementioned that if the claims



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are rejected due to delayed submission, they are to be placed before DLEC on or before 15.03.2024. It had been stated that the documents were received after 16.03.2024 and therefore cannot be placed before the DLEC. It is very evident that the respondents herein have made the petitioner to run from pillar to post. She is aged 95 years and she has also suffered further complications. She has to take treatment. When the bills are submitted, it is rejected on one ground or the other, by stating that it is submitted after 10.11.2023. It is the responsibility of the third respondent, if they had to reject the claim in the first instance, to place it before the DLEC on or before 15.03.2024. They have failed to place it before the DLEC on or before 15.03.2024. The claim was received after 16.03.2024. The petitioner cannot be put at fault for the lapses committed on the part of the third respondent. The third respondent should have examined whether as a fact, the petitioner suffered the ailment mentioned and as a fact that whether she had been admitted to hospital. Those facts are not disputed by the respondents.

8.A direction is given to the third respondent to honour their payment and to pay a sum of Rs.1,01,243/- to the petitioner within a period of three weeks



from the date of receipt of a copy of this order. The writ petition stands allowed. No Costs. Consequently, connected miscellaneous petitions, if any, are also closed.

9. When the time limit is fixed at three weeks, the learned counsel for the third respondent voluntarily submitted that it will be paid within a period of four weeks. This would only indicate that the third respondent had given instructions that the amount would be paid to the petitioner and the only issue is with reference to the time stipulated. Taking into consideration the advanced age of the petitioner at the time of filing of the writ petition and she would age further, the time period is now fixed at two weeks.

07-04-2025

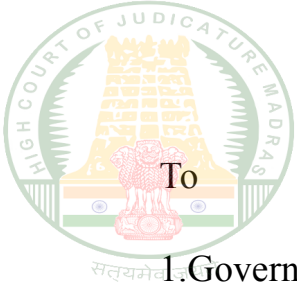
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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