



**W.A(MD)No.699 of 2021**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.07.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
and  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A(MD)No.699 of 2021  
and  
C.M.P(MD)No.3024 of 2021**

1.The Director General of Police,  
Dr. Radhakrishnan Salai,  
Mylapore, Chennai – 600 004.

2.The Superintendent of Police,  
K.Pudur,  
Madurai – 625 007.

... Appellants/Respondents 1 & 3

vs.

1.J.Kannan,  
S/o.P.Jeyaraman,  
No.23/4, Armed Reserve,  
Madurai.

... 1<sup>st</sup> Respondent/Writ Petitioner

2.The Commissioner,  
Department of Treasuries and Accounts,  
Panagal Building,  
No.1, Jeenis Road, Saidapet,  
Chennai – 600 015.

... 2<sup>nd</sup> Respondent/2<sup>nd</sup> Respondent



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**PRAYER :** Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 07.01.2021 made in W.P(MD)No.1514 of 2020 on the file of this Court.

|                |                                                  |
|----------------|--------------------------------------------------|
| For Appellants | : Mr.S.P.Maharaja<br>Special Government Pleader  |
| For R – 1      | : Mr.T.Cibi Chakraborty<br>for Mr.P.Karthick     |
| For R – 2      | : Mr.M.Sarangan<br>Additional Government Pleader |

**JUDGMENT**

**(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)**

The Writ Appeal on hand has been instituted challenging the writ order dated 07.01.2021 passed in W.P(MD)No.1514 of 2020.

2.The Director General of Police, Chennai and the Superintendent of Police, Madurai have preferred the present Appeal.



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3.The first respondent/Mr.J.Kannan filed the Writ Petition challenging the order of rejection dated 20.12.2019 rejecting the claim of the first respondent for providing medical reimbursement from and out of the Tamil Nadu Police Benevolent Fund. The Committee constituted for considering the applications under the Tamil Nadu Police Benevolent Fund rejected the claim of the first respondent mainly on the ground that the parents of the policemen are not eligible to avail the benefits under the scheme, including medical reimbursement.

4.The learned Special Government Pleader appearing for the appellants submitted that the Tamil Nadu Police Benevolent Fund is constituted exclusively by the Police Department under the Chairmanship of the Director General of Police and the Committee consists of 14 members including the Head Constable, Women Head Constable and Police Constable. The President of the Committee is the Director General of Police. The Vice President is the Additional Director General of Police (Welfare) and the Convenor/Member is the Inspector General of Police (Welfare). The



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Committee as per the terms of the scheme rejected the application submitted by the first respondent, since the parents of the policemen are not eligible to avail the benefits under the scheme. Therefore, the writ order is violative of the terms of the scheme and thus, the Writ Appeal is to be considered.

5.The learned counsel appearing for the first respondent would oppose by stating that the scheme is to be interpreted liberally. Once the first respondent is the member of the Tamil Nadu Police Benevolent Fund, then his claim for medical reimbursement for his parents also is to be considered liberally by interpreting the scope of the scheme.

6.The learned counsel appearing for the first respondent urge this Court by stating that under the New Health Insurance Scheme, 2016, the parents of the employees are included and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 stipulates that the parents are to be maintained by their children.



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7.Taking note of the New Health Insurance Scheme, 2016 and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the writ Court considered the case of the first respondent and allowed the same. Hence, the present Writ Appeal filed by the State is to be rejected.

8.This Court considered the rival submissions made between the parties to the lis.

9.Let us first consider the scope of the Tamil Nadu Police Benevolent Fund. The Tamil Nadu Police Benevolent Fund is a fund constituted from and out of the subscriptions collected from the police personnel upto the rank of the Inspector of Police. Subscriptions are not collected from higher-ranking officials of the Police Department. The fund is separately maintained by a Committee constituted, which is the sole authority to decide on the claims. Thus, the decision of the Committee became final and the Committee has to decide the eligibility based on the terms and conditions stipulated under the scheme.



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10.The financial assistance provided under the Tamil Nadu Police Benevolent Fund is enumerated in Circular Memorandum II, dated 06.12.2010. Clause 4 of the Circular Memorandum II reads as under:

*“4.The above financial assistance is available to the subscribers for the treatment undergone by himself / herself or his / her family members. For this purpose, the family is defined as:*

- (a) Legal spouse of the subscriber*
- (b) Children of the subscriber till employed or married or attain the age of 25 years whichever is earlier*
- (c) Parents are not included under this scheme.”*

The above Clause clearly indicates that the parents of the police personnel are not included under the scheme.

11.Since there is an express condition that the parents of the police personnel are not included under the scheme, the claim application submitted by the first respondent was rejected.



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12.This Court is of the considered view that each scheme is to be implemented strictly in consonance with the terms and conditions of the scheme. Liberal interpretation of such special schemes or reading down the conditions of the special scheme would result in causing prejudice to the very objective of the scheme.

13.In the present case, the objective of the scheme is to provide financial assistance exclusively to police personnel upto the rank of the Inspector of Police. The funds are collected from the police personnel upto the rank of the Inspector of Police and a separate account is maintained in this regard. The Committee is operating the account and taking decisions in respect of the applications submitted by the police personnel upto the rank of the Inspector of Police. Therefore, the Tamil Nadu Police Benevolent Fund cannot be equated with the medical reimbursement claim or the medical rules of the Government of Tamil Nadu. The Tamil Nadu Police Benevolent Fund is no way connected with the Government medical reimbursement scheme.



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14.The application submitted by the first respondent itself reveals that he has submitted the application seeking medical reimbursement under the Tamil Nadu Police Benevolent Fund.

15.If parents are eligible for medical reimbursement under the Government's general medical scheme or medical rules, then the first respondent is at liberty to claim such benefits under any applicable scheme in accordance with the terms and conditions stipulated under the medical reimbursement scheme applicable to the Government employees/police officials.

16.Beyond the medical assistance to police personnel, the Tamil Nadu Police Benevolent Fund provides financial assistance to the meritorious children of police personnel upto the rank of the Inspector of Police. The children of the police personnel who secured highest marks in the public examinations are rewarded by providing financial assistance from



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the Tamil Nadu Police Benevolent Fund. The Committee is taking decisions to sanction funds based on the terms stipulated by the Circular Memorandum – II issued by the Director General of Police. The terms are decided by the Committee which is being implemented for the purpose of operating the Tamil Nadu Police Benevolent Fund.

17.The Tamil Nadu Police Benevolent Fund is an exclusive fund created by the police personnel working in police department upto the rank of the Inspector of Police and it is not connected with the Government medical reimbursement scheme or medical rules as applicable to all the Government employees of all the Government Departments across the State of Tamil Nadu.

18.The Writ Court mainly proceeded on the general pretext that the parents of the employees are also eligible for medical reimbursement scheme. No doubt, the Government has extended the medical reimbursement scheme to the parents of the employee. Such general scheme of the



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Government of Tamil Nadu has no application with reference to the Tamil Nadu Police Benevolent Fund which is an exclusive fund created. That apart, extending the scope of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, would not arise in this case. It is a special scheme and therefore, any liberal interpretation would defeat the objectives of the scheme and in the event of reading down the terms and conditions of the scheme, the Committee may not be in a position to meet out the requirements for providing financial assistance to the needy police personnel and the children who are all meritorious.

19. At the outset, the High Court in exercise of the powers of judicial review cannot expand the scope of such exclusive schemes and it is beyond the realm of the powers of judicial review. Reading down the terms are impermissible. It cannot be equated with the rules or the general scheme issued by the Government applicable to all the Government Departments. Therefore, this Court is of the considered view that the writ Court has exceeded by interpreting the scope of the scheme which would result in



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causing prejudice to the objectives and purpose of the scheme. That being the factum, this Court is inclined to interfere with the writ order impugned.

20. Accordingly, the order impugned dated 07.01.2021 passed in W.P(MD)No.1514 of 2020 is set aside and the Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**[S.M.S.,J.] & [A.D.M.C.,J.]**  
**09.07.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
ps



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To

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- 2.The Superintendent of Police,  
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**S.M.SUBRAMANIAM, J.**  
**and**  
**DR.A.D.MARIA CLETE, J.**

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**ORDER MADE IN**  
**W.A(MD)No.699 of 2021**

**DATED : 09.07.2025**