BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.23134 of 2025
and
W.M.P.(MD) No.18185 of 2025

P.Kathiravan : Petitioner

Vs.

1. The Additional Chief Secretary to Government (Expenditures),
   Finance (Health Insurance) Department,
   Secretariat,
   Chennai - 600 009.

2. The Principal Secretary to Government,
   Health and Family Welfare Department,
   Secretariat, Chennai - 600 009.

3. The District Collector,
   Sivagangai District,
   Sivagangai.

4. The District Treasury Officer,
   Collectorate,
   Sivagangai District,
   Sivagangai.

5. The United India Insurance Co. Ltd.,
   LBO. 010600, Sillingi Buildings,
   134, Greams Road,
   Chennai - 600 006. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned medical reimbursement rejection order passed by the 5th respondent in Ref. 010600/CRS-591/1/2025 dated 14.05.2025 and quash the same as illegal, consequently direct the respondents to disburse the medical reimbursement claim of the petitioner amounting of Rs. 4,21,791/- with 9 percent interest within a time frame to be fixed by this Court.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.S.R.A.Ramachandran (R1 to R4)
Additional Government Pleader
Mr.C.Karthick (R5)

ORDER

This writ petition has been filed challenging the impugned medical reimbursement rejection order passed by the 5th respondent in Ref. 010600/CRS-591/1/2025 dated 14.05.2025 with a consequential direction to the respondents to disburse the medical reimbursement claim of the petitioner amounting of Rs.4,21,791/- with 9 % interest within a time frame to be fixed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is working as Assistant Public Prosecutor Grade I in the District Munsif cum Judicial Magistrate Court, Thirupathur, Sivagangai District and he has been paying premium for New Health Insurance Scheme for the past ten years. While this being so, the petitioner applied for medical reimbursement for the medical expenses of his father for the treatment of coronary artery disease with Type-II diabetes mellitus. However, the same was rejected stating that once the employee gets married, he will not covered. Challenging the same, this writ petition came to be filed.

4. The learned counsel appearing for the petitioner submits that rejection of the medical claim citing the reason that he is a married man and hence, his parents will not be covered in this scheme is unsustainable one and the scheme itself makes it clear that the family members should be covered under this scheme and hence, he seeks quash of the impugned order.

5. The learned counsel appearing for the fifth respondent submits that the scheme states that the family members of the employee covered under this scheme are the parents till the employee gets married. In the present case, the employee, who is the petitioner herein is a married man and hence, his parents will not be covered.

6. Admittedly, the petitioner's father was admitted in the hospital and has taken treatment there and the medical claim forwarded to the fifth respondent has been rejected stating that the parents will not be covered, which is unsustainable one. The very same issue was considered by this Court in WP.No.35621 of 2019, wherein this Court had held as follows:-

> *9.It will also be relevant to rely upon the judgment cited by the learned counsel for the petitioner in this regard. This Court in W.P.(MD).No.4117 of 2018 dated 21.03.2018 passed an order on similar facts and the same is extracted hereunder:*
>
> > *"The petitioner is working as Salesman in a liquor outlet run by TASMAC. He is a regular employee. He is a member of the Medical reimbursement scheme introduced by TASMAC. The petitioner's father underwent a Lung surgery. When a claim for reimbursement was made, it was denied on the only ground that the petitioner got married and that therefore his father cannot be a beneficiary.*

> *2.This ground of rejection was specifically frowned upon by this Court in W.P.(MD)No.7365 of 2010 dated 26.07.2011. Therefore, the order impugned in this writ petition is quashed. The second respondent is directed to process the petitioner's medical reimbursement claim and effect settlement in terms of the scheme announced by the TASMAC for its employees. The medical reimbursement shall be done within a period of 8 weeks from the date of receipt of a copy of this order."*

9.The above order was taken on appeal before the Division Bench in W.A.No.1472 of 2018 and the Division Bench by an order dated 24.10.2018 dismissed the appeal. The relevant portion in the order is extracted herein:

> *"3.The learned counsel appearing for the appellants would submit that a reading of the aforesaid Rule would make it clear that only the 'wife and children' of a male working employee are entitled for the benefit under the scheme, as they alone come within the purview of "family". In support of his contention, the learned counsel has made reliance upon the following decisions:*
>
> *(i) (1998) 2 SCC 554 [State of M.P. and others Vs. M.P.Ojha and another;*
>
> *(ii) (1991) 3 SCC 11 [Union of India and others Vs. Tejram Parashramji Bombhate and others]*
>
> *(iii) (2006) 4 MLJ 1183 [K.Sundararaj Vs. Management of Tamil Nadu State Transport Corporation (Madurai), Ltd., Madurai, rep.by its Managing Director, Bye-pass Road, Madurai.*
>
> *4.The learned counsel appearing for the respondents would submit that the submission of the learned counsel for the appellants on the construction of the Rule, is not correct. One has to see the object of the Rule. A restrictive interpretation cannot be given to the word "family". It merely says the other categories to be included. Thus, there is no exclusion of the father from the definition. Therefore, no interference is required. It is*

further submitted that any restricted interpretation, would go against the very object of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which mandates a son to maintain the aged parents. The learned counsel further submitted that Section 3 of the aforesaid enactment deals with, the act to have overiding effect on the provisions of any other enactment, which is inconsistent. The learned counsel seeks support from Section 20 of the aforesaid enactment, which provides for medical support for senior citizens by the State Government.

5.The Rule is meant for public purpose. Therefore, a literal interpretation cannot be adopted for understanding it. As rightly submitted by the learned counsel appearing for the respondents, the Rule does not specifically exclude a dependant parent. When we interpret the word 'include', it can adverse the illustration in nature. To put it differently, such definition does not exclude any other category. Therefore, when the definition "family" is mentioned to include the wife and children, it cannot be stated that it excludes dependant parent. There cannot be a different yardstick that has to be adopted for a married son and an unmarried son. The question is with respect to the dependency of the parent which has got no rationale with the status of the son. After all, as per the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, a son is the duty bound to maintain the dependant parent. Though Section 3 of the aforesaid enactment has got an overriding effect, we have to read the said provision along with other provisions of different Rules and enactments by way of purposive interpretation. Even under the Hindu Law, there is an implicit obligation upon the son to maintain the dependant parent. Thus, the contention of the learned counsel for the appellants cannot be sustained.

6.Coming to the decisions relied upon by the learned counsel appearing for the appellants, in our considered view that there is no applicability to the case on hand. In fact, the decision rendered in (1998) 2 SCC 554 [State of M.P. and others Vs. M.P.Ojha and another], helps the case of the respondents. It is *apposite to refer paragraph 13 of the said judgment, which reads as under:*

> *13.The expression "wholly dependent" is not a term of art. It has to be given its due meaning with reference to the Rules in which it appears. We need not make any attempt to define the expression "wholly dependent" to he applicable to all cases in all circumstances. We also need not look into other provisions of law where such expression is defined. That would likely to lead to results which the relevant Rules would not have contemplated. The expression "wholly dependent" has to be understood in the context in which it is used keeping in view the object of the particular Rules where it is contained. We cannot curtail the meaning of "wholly dependent" by reading into this the definition as given in SR 8 which has been reproduced above. Further, the expression "wholly dependent" as appearing in the definition of family as given in Medical Rules cannot be confined to mere financial dependence. Ordinarily dependence means financial dependence but for a member of family it would mean other support, may be physical, as well. To be "wholly dependent" would therefore include both financial and physical dependence. If support required is physical and a member of the family is otherwise financially sound he may not necessarily be wholly dependent. Here the father was 70 years of age and was sick and it could not be said that he was not wholly dependent on his son. Son has to look after him in his old age. Even otherwise by getting a pension of Rs.414 per month which by any standard is a paltry amount it could not be said that the father was not "wholly dependent" on his son. That the father had a separate capacity of being a retired Government servant is immaterial if his case falls within the Medical Rules being a member of the family of his son and wholly dependent on him. A flexible approach has to be adopted in interpreting and applying the Rules in a ease like the present one. There is no dispute that the son took his father to Bombay for treatment for his serious ailment after getting due permission from the competent authority. It was submitted before us that the father being a retired Government servant could himself get sanction for treatment outside the State as a special case from the competent authority. It is not*

necessary for us to look into this aspect of the matter as we are satisfied that under the relevant Medical Rules, the father was member of the family of his son and was wholly dependent on him and the 2nd respondent was thus fully entitled to reimbursement for the expenses incurred on the treatment of his father and other traveling expenses.

7.From the above, one can say that it is still open to the appellants to reject a request for reimbursement, if they are satisfied that a parent is not a dependant. Secondly, in the aforesaid judgment, the Hon'ble Apex Court was dealing with the provision which defines a "family". There is a difference between the words "omits" and "includes". Hence, the aforesaid judgment cannot be read in support of the contention of the learned counsel appearing for the appellants.

8.The judgment rendered by the Hon'ble Apex Court in the case of Union of India and others Vs. Tejram Parashramji Bombhate and others reported in (1991) 3 SCC 11, also does not have an application. The facts are totally different in the said case. The respondent therein sought for regularisation,which was rejected. Much reliance has also been made on the decision of the learned Single Judge in the case of K.Sundararaj Vs. Management of Tamil Nadu State Transport Corporation (Madurai), Ltd., Madurai, rep.by its Managing Director, Bye-pass Road, Madurai, reported in (2006) 4 MLJ 1183. With due respect to the learned Single Judge, we are unable to agree with the reasoning rendered therein, particularly in the light of the reason furnished above. After all, we are dealing with the Rule, which is meant to help the members of a family in an employee and thus, requires a purposive interpretation.

9.This writ appeal is dismissed accordingly. However, we make it clear that it is still open to the appellants to consider the matter on merit and if they are satisfied that the parent of the first respondent is not dependant, then, it is open to them to reject the claim of reimbursement. No costs. Consequently, CMP(MD)No. 10479 of 2018 is closed."

7. The judgment referred to supra makes it clear that the parents will also be a part of family members of the employee provided that they are also dependent on the employee. This judgment will also squarely apply to the facts of the present case.

8. In view of the above, the order passed by the fifth respondent is liable to be quashed and accordingly, the impugned order dated 14.05.2025 is quashed and this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

26.08.2025

Index : Yes / No
NCC : Yes / No
Sm

M.DHANDAPANI, J.

Sm

To:-

1. The Additional Chief Secretary to Government (Expenditures),
   Finance (Health Insurance) Department,
   Secretariat, Chennai - 600 009.

2. The Principal Secretary to Government,
   Health and Family Welfare Department,
   Secretariat, Chennai - 600 009.

3. The District Collector,
   Sivagangai District, Sivagangai.

4. The District Treasury Officer,
   Collectorate, Sivagangai District,
   Sivagangai.

5. The United India Insurance Co. Ltd.,
   LBO. 010600, Sillingi Buildings,
   134, Greams Road,
   Chennai - 600 006.

W.P.(MD) No.23134 of 2025

26.08.2025