

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.46672 of 2022

ORDER:

1. This writ petition is filed under Article 226 of Constitution of India seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of writ of mandamus to declare the inaction of the respondent in not reimbursing the medicals bills which were pending for more than 6 months to the extent of Rs.2 to 3 lakhs approximately and proposing to cancel medical card on the pretext of questioning the inclusion of name of my divorced dependent sister’s name in the SPMCIL medical card, as illegal, unjust, unfair, unwarranted and violation of Article 14 and 21 of the Constitution of India and consequently direct the respondent to reimburse the medical claims which are pending till the day with continuation of the medical facilities in future also as per rules and by setting aside the letter 21.05.2022, 25.06.2022, Memo No.I-47/Admn(HR)/2022-23/1316 dated 20.10.2022 and 28.11.2022 and related correspondence issued contrary CGHS/SPMCIL Medical Policy 2013 and pass such other and further order or orders as this Hon,ble Court deems fit and proper in the circumstances of the case.

2. The learned counsel for the petitioner submits that the case of the writ petitioner is not considered for medical reimbursement and explanation was sought vide No. 1-47/Admn(HR)/2022-23/1316 dated 20.10.2022 by the respondent No.2 and vide No.I-47/Medicare(HR)/2022-23/1541. Accordingly, respondent No.2 again had directed the petitioner to give explanation specifically as

to the inclusion of step-sister name into the medical card in in line with SPMCIL Medical Policy,2013 and CGHS rules.

3. Learned counsel for the petitioner further submits that an explanation was given vide letter dated 06/14-12-2022 has been made before respondent No.1 and the same was not considered. He also submits that the petitioner has renewed his health card and included the name of his step sister/dependent as per law.

4. On the other hand, Smt. Mahalakshmi, learned counsel representing learned Deputy Solicitor General of India submits that the impugned order has been passed, strictly in accordance with law, and upon verification of facts, it was found that the writ petitioner has included the name of his step sister as against the rules in force.

5. Also submits that mere inclusion of his step sister name in his medical card does not have any right to claim or apply for medical reimbursement.

6. In view of the above, this writ petition is disposed of directing the respondents to dispose of the explanation given by the

writ petitioner on 06/14-12-2022, strictly in accordance with law, duly verifying the merits of the case, as expeditiously as possible, preferably within a period of eight (08) weeks from the date of receipt of copy of this order.

Miscellaneous applications, if any pending, shall also stand dismissed.

JUSTICE E.V.VENUGOPAL

Dated: 30.12.2022
AQS