
(1999) 11 MAD CK 0075

In the Madras High Court

Case No : Writ Petition No. 7071 of 1999, W.M.P. No: 10167 of 1999

Dr. B. Ramamurthy

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 02-11-1999

Acts Referred:

Constitution of India, 1950 — Article 14, 21

Citation : (1999) 11 MAD CK 0075

Hon'ble Judges : E. Padmanabhan, J

Bench : Single Bench

Advocate : Kandavadivel Doraisami, for the Appellant; M. Kandasamy, Spl. G.P, for the Respondent

Final Decision : Allowed

Judgement

E. Padmanabhan, J.—The writ Petitioner, a member of the Tamil Nadu Medical Service prays for the issue of writ of certiorarified mandamus calling for the records of the second Respondent in his proceedings No. 24447/A2/297 dated 16.12.1998 quash the same and consequently direct the Respondents to forthwith reimburse Rs. 5,18,969.41, the balance of the amount incurred by the Petitioner for Medical Treatment of his wife at Apollo Cancer Hospital, Chennai.

2. This Court ordered notice of motion on 22.4.1999. The Respondents have been served and they have filed their counter affidavit. With the consent of counsel for either side the writ petition itself is taken up for final disposal. The Petitioner states that his wife Mrs. Manjula Ramamurthy was diagnosed to have Carcinoma of Right Breast in August 1996 and she underwent Mastectomy on 26.8.1996. The Biopsy of the Specimen showed infiltrating Ductal Carcinoma with 12 Positive Lymphondes in Right Axilla.

3. In view of the large number of positive Lymphondes and occurrence of the disease at younger age, she was categorised as high risk case for relapse with poor prognosis. On these grounds, the Petitioner's wife was advised high dose of

Chemotherapy with Autologous Stem Cell Transplantation for better cure by a team of Oncologists in Apollo Cancer Hospital. The said treatment is not being undertaken in any Government Hospital in Tamil Nadu, and therefore, she underwent the said treatment in Apollo Cancer Hospital. After four cycles of conventional Chemotherapy Regimen, she underwent high dose Chemotherapy with Autologous Bone Marrow Transplantation.

4. The Petitioner further states that the said treatment was started to his wife on 20.12.1998 in Apollo Cancer Hospital and she was discharged on 30.1.1997. The cost of the High Dose Chemotherapy with Autologous stem cell Translation amounts to Rs. 6,18,969.41 after deducting the concessions shown to him as Doctor.

5. The Petitioner claimed reimbursement of Rs. 6,18,969.41 from the Respondents. However, the 2nd Respondent by his proceedings Rs. No. 24447/A2/2/97 dated 27.10.1997 accorded sanction for payment of Rs. 1 lakh only. It is alleged that on the same day, the then Director of Medical Education by name Dr. J. Rajappa has written letter to the 1st Respondent to sanction fund for his bone marrow Transplantation from the Government Employees Health Fund and Chief Minister's Relief Fund and the entire amount spent by the said Dr. Rajappa for his Bone Marrow Transplantation had been sanctioned and reimbursed, mentioning the above fact, the Petitioner made further representation and sought for reimbursement of the entire amount spent by him for his wife's medical treatment. But the same has been negated by the first Respondent and the same has been communicated to the Petitioner on 24.12.1998.

6. The Petitioner heavily relies upon the report of the Oncologist and Haematologist of the Apollo Hospital which would establish that the treatment given to his wife and to the then Director of Medical Education, namely Dr. Rajappa is one and the same. Hence, the ordering of reimbursement of Rs. One lakh only to the Petitioner is arbitrary, offends Article 14 as well as 21 of the Constitution.

7. The Petitioner claims that he had incurred an expenditure of Rs. 6,18,969.41 for his wife's medical treatment. But the same has been negated without appreciating the difficulties and monetary expenses incurred by the Petitioner. The action of the Respondents is discriminatory and the impugned proceedings has been passed without application of mind. The Petitioner having no other remedy has approached this Court.

8. A Counter affidavit has been filed on behalf of the Respondents by the Deputy Secretary to the Government. As seen from the counter affidavit, the claim of the Petitioner that specialised chemotherapy treatment is not available in any Government hospital is not correct as Chemotherapy treatment is available in the Government Hospital, Chennai. The Petitioner had claimed that he had spend Rs. 6,18,969.41. While stating that the Petitioner could have spent the said amount for the treatment of his wife, the Respondent added that it is upto the Petitioner

to spent any amount and account for it. But the Government is not bound to provide or reimburse all the amount spent for the medical treatment incurred by the Government Servants.

9. The Petitioner is governed by the Tamil Nadu Government Employees Health Fund Scheme by which scheme only 75% of the expenditure subject to maximum of One lakh rupees, whichever is the maximum is the limit to be sanctioned. Accordingly, the Petitioner had been sanctioned a sum of Rs. 1 lakh under the said scheme. Having applied under the said scheme and receiving medical aid, the Petitioner is estopped from claiming any other mode subsequently.

10. The Respondents further stated that Dr. J. Rajappa, the then Director of Medical Education had been suffering from multiple Myeloma, that he sought for permission for the proposed surgery with the estimated cost thereof and that he got permission from the Government on 13.1.1998. The said Dr. J. Rajappa requested the Government to reimburse the cost of surgery and a sum of Rs. 15,11,997/- was sanctioned in G.O.(D) No. 1002, Health dated 4.8.1998 reimbursing the cost of medical treatment incurred by him for Bone Marrow Transplantation. It is admitted that the Government had relaxed the provisions in G.O. Ms. No. 1023, Health, dated 17.6.1980 in favour of Dr. J. Rajappa as a special case.

11. The case of the Petitioner is different and the patient was suffering from Carcinoma and the Petitioner's wife is not a Government employee whereas Dr. J. Rajappa was the Government Employee who had served the Indian Army for defending the nation and served as Director of Medical Education. Hence, his case was considered by the Government for reimbursement of the cost of medical treatment and granted under various consideration, but not under the Health Fund Scheme, the benefit of which alone the Petitioner has already claimed and received and the maximum amount had been sanctioned.

12. The case of the Petitioner and Dr. J. Rajappa cannot be treated alike - much less, Equality clause under Article 14 of the Constitution can be invoked. Dr. Rajappa was considered as a Special case and to the same consideration, the Petitioner is not entitled to. The letter dated 24.6.1998 referred to the Petitioner and issued by the Oncologist and Haematologist of the Appollo Hospital, Chennai is in no way connected with this case and is not binding on the Government. The case of Multiple Myeloma and Carcinoma Breast cannot be considered as one and the same disease warranting same treatment and the question of discrimination does not arise at all. The impugned order is legally valid and it is not liable to be interfered. The Petitioner having received the maximum amount of Rs. 1 lakh under the Scheme is not entitled for further sum, nor he is entitled to maintain the writ petition.

13. Heard Mr. K. Doraisamy, learned Senior Counsel appearing for Mr. Kandavel Doraisamy, Mr. N. Kandaswamy, learned Special Government pleader appearing

for the Respondents.

14. At the outset, it is to be pointed out that there is no controversy with the actual amount spent by the Petitioner for his wife's treatment in Apollo Cancer Hospital. There is no dispute that the Petitioner's wife had undergone the treatment and the quantum of amount claimed is not in dispute. But what is disputed is the liability to reimburse the entire amount as claimed by the Petitioner. According to the Respondents, the Petitioner could have received the same treatment in the Government Hospital where facilities are available and, therefore, the Respondents are not liable to reimburse the entire amount.

15. It is further pointed out by the Respondents, the Petitioner having applied for reimbursement under the Tamil Nadu Government Employees Fund Health Fund Scheme and having received Rs. 1 lakh, is estopped from claiming any further sum and the Respondent is not liable to reimburse the Petitioner of the whole of the expenditure incurred by the Petitioner., 16. It is also admitted that for identical ailment and for treatment undergone in the same Apollo Cancer Hospital by Dr. J. Rajappa, the then Director of Medical Education, the entire claim amounting to Rs. 15,11,997/- had been sanctioned by the Government as he had applied for prior sanction or approval to undergo the said treatment and as the Petitioner did not apply for prior sanction or approval he had been sanctioned the amount of Rs. 1 lakh under the Tamil Nadu Government Employees Health Fund Scheme. It has also been pointed out that the Petitioner had not applied for prior approval or sanction as was done by Dr. J. Rajappa and, therefore, the Petitioner is not entitled for reimbursement of the entire medical expenses incurred by him for his wife's treatment.

17. It is admitted that in relaxation of G.O. Ms. No. 1023, Health Dated 17.6.1980, a sum of Rs. 15,11,997/- had been sanctioned to Dr. Rajappa, who had undergone for the same treatment for the identical disease in the same Appollo Cancer Hospital, while the Petitioner had claimed in all Rs. 6,18,969.41 towards the actual cost of expenditure incurred by him for treatment of his wife. The actual expenditure incurred by the Petitioner had not been disputed.

18. It is true that under the Government Servants Medical Reimbursement Rules, the maximum amount to be sanctioned has been fixed at Rs. 1 lakh or 75% of the actual amount, whichever is higher. Concedingly, in the case of Dr. J. Rajappa for identical ailment, a sum of Rs. 15,11,997/- has been sanctioned as a special case while the Petitioner had claimed only Rs. 6,18,969.41 being the actual expenditure incurred by him for treatment of his wife. It is not correct to contend on the part of the Respondents that such treatment is available in the Government General Hospital, Chennai or that the disease suffered by Dr. J. Rajappa is different from that suffered by the Petitioner's wife Mrs. Manjula Ramamurthi. If such a treatment is available at Government General Hospital, the Government would have advised Dr. Rajappa to undergo the very treatment at Government General Hospital instead of sanctioning Rs.15,11,997/=

19. It may be that the Petitioner did not apply in advance. But on that score, when there is no dispute about the actual expenditure incurred, there is no justification to deny reimbursement of actual expenditure, while disbursing Rs. 15 lakhs and odd to Dr. J. Rajappa as he had applied for sanction or approval before undertaking the treatment. The requirement to undergo treatment either emergently or not at times differ from case, to case and it cannot be stated that merely because the Petitioner did not apply in advance he lost his right to claim reimbursement or for that matter, Dr. J. Rajappa is entitled to a different treatment. The Petitioner was not required to apply in advance for reimbursement of actual expenditure either by the second Respondent or by the first Respondent. While the very same second Respondent on the same date approved for reimbursement of Rs. 15,11,997/- for the identical treatment undergone in the very same Cancer Hospital by Dr. Rajappa.

20. It is rather curious on the part of the Respondent to deny reimbursement of actual expenditure incurred by the Petitioner and order reimbursement of Rs. 1 lakh which is just one sixth of the expenditure incurred by the Petitioner while in the case of Dr. Rajappa, a sum of Rs. 15,11,997/- had been sanctioned by the Respondents.

21. Dr. Rajappa had also undergone Autologous Bone Marrow Transplantation and he had also applied for financial assistance under the Tamil Nadu Government Health Fund Scheme as seen from his letter dated 28.10.1997 and he has estimated the expenditure approximately Rs. 10 to 12 lakhs for chemotherapy, growth factor, blood and blood products, antibodies and treatment in Bone Marrow Transplantation Unit in Appollo Cancer Hospital, Chennai. As seen from the Reference issued by the Head of the Department, Dr. Rajappa has to undergo Bone Marrow Transplantation and such a treatment is not available in any Government institution. The Head of the Department had also certified that it is a major specialised and complex procedure. Best results are obtained at Apollo Cancer Hospital in the whole country and the estimated charges has been found to be reasonable for the treatment.

22. Dr. Rajappa's application with the certificate of the Head of the Department and the certificates that are issued by the Apollo Cancer Hospital had been considered. Dr. Rajappa had also undergone Bone Marrow Transplantation and he had also applied for financial assistance under the Government Employees Health Fund Scheme as well as Chief Minister's Relief Fund. By a letter dated 13.1.1998, the Government had sanctioned reimbursement of actual expenditure incurred by Dr. Rajappa which comes to Rs. 15,11,997/- . The said amount has already been sanctioned and drawn by Dr. Rajappa as seen from the G.O.(D) No. 1002 Health dated 4.8.1998.

23. However, in the case of the Petitioner, as seen from the certificate issued by Dr. T. Munu swamy, Dean, Government Stanley Hospital dated 12.5.1997, the writ Petitioner's wife had undergone treatment. It was affirmed by Dr. T. Munuswamy, Dean, that the Petitioner's wife is a high risk case of cancer in

breast which is likely to develop metastatic disease in a short span of time wherein the risk to life is very high. Hence, she underwent Autologous Bone Marrow Transplantation at Apollo Hospital since the treatment is not available in any Govt. Hospital. It is useful to refer to the clarification issued by Dr. T. Munusamy, Dean Government Stanley Hospital, Chennai-9 and it deserves acceptance.

24. After undergoing the treatment, the Petitioner had submitted the necessary vouchers in respect of his claim for reimbursement of Rs. 6,18,969.41. But sum of Rs. 1 lakh alone had been sanctioned being the maximum amount under the particular scheme. In fact, as seen from the file, the Director of Medical Education by his letter dated 13.8.1998 while forwarding the claim of the writ Petitioner for reimbursement requested the Government to sanction Rs. 5,18,969/- to the Petitioner to his wife's Bone Marrow Transplantation at Apollo Cancer Hospital as was sanctioned to Dr. J. Rajappa, the then Director of Medical Education.

25. It has also been reported by the Director of Medical Education that for carcinoma of right Breast the Petitioner's wife was operated for Mastectomy in Apollo Cancer Hospital, Chennai in view of the local spread of the disease and the aggressive course of the disease in younger age individuals and she had to undergo Bone Marrow Transplantation for cure and survival by the Oncologist of Apollo Hospital.

26. The consultant Haematologist attached to Apollo Cancer Hospital also certified that the Petitioner's wife Mrs. Manjula Ramamurthy was diagnosed to have Carcinoma of Right Breast and underwent Mastectomy in Apollo Cancer Hospital and she was also advised Bone Marrow Transplantation at the earliest opportunity and without delay. The same consultant Dr. Ishwar Visweshwar had also certified that the treatment given to the Petitioner's wife and the treatment given to Dr. Rajappa are in no way different and the advanced treatment is given not only for Breast cancer but also for patients with multiple Myeloma Leukemia, Ovarian Cancer, etc., for better cure and survival. The Certificate reads thus:

This centre is a recognised centre for treatment of patients from most of the nationalised corporations, Banks and also other Central and State Governments. Recently, the director of Medical Education from Tamilnadu Government had Bone marrow transplantation done for Myeloma. The treatment given to him was the same and in no way different from the treatment given to Mrs. Manjula Ramamurthy. This advanced treatment is given not only for Breast Cancer but also for patients with multiple Myeloma, Leukaemia, Ovarian Cancer, etc., for better care and survival.

27. On a consideration of the above opinion of the consultant and Doctor Munusamy Dean, it is clear that the treatment given to the Petitioner's wife and that of Dr. Rajappa are identical and for the same ailment and the distinction sought to be made by the Respondents cannot be countenanced.

28. The Petitioner also applied for reconsideration and increase in the financial assistance to the actual amount incurred and the Respondents would have examined the Petitioner's claim and directed the reimbursement if the actual expenditure incurred which is one third of what has been incurred by Dr. Rajappa and there is no reason or rhyme to reject the actual expenditure which is only one third of the amount sanctioned to Dr. Rajappa.

29. Though the learned Special Government Pleader relied upon the rule relating to Tamil Nadu Government Employees Health Fund Scheme, at least after considering the later representation and considering identical treatment and identical sanction as was done in the case of Dr. Rajappa, the Respondent should have sanctioned reimbursement of the entire amount. Even that the Respondent have not considered. But had merely rejected the application on the sole reasoning that the Petitioner had applied under the particular scheme and that the maximum amount had been reimbursed.

30. It is also to be pointed out that in the case of Dr. Rajappa, identical application has been filed at the first instance and on a later date, he has also applied for sanction under the Chief Minister's Relief Fund. When Petitioner had relied upon and requested for identical treatment, there is no justification for the Respondents to content that the Petitioner had approached only under a particular scheme and that, therefore, he is not entitled to claim any amount in excess of Rs. 1 lakh, which approach cannot be appreciated.

31. On a consideration of the above facts, it is clear that the Petitioner's wife had undergone the same treatment for the same ailment in the same Private Hospital as was done in the case of Dr. J. Rajappa. In the case of Dr. Rajappa, a sum of Rs. 15,11,997/- had been sanctioned. But, in the case of the Petitioner, only a sum of Rs. 1 lakh had been sanctioned while the Government admitted that the actual expenditure incurred is Rs. 6,18,969.41.

32. In the light of the said facts, the Respondents ought not to have rejected the claim for reimbursements on considerations which are not relevant or on reasons which have no bearing. Merely because the Petitioner did not apply for advance permission, the Petitioner cannot be denied of reimbursement as admittedly, the expenditure of a sum of Rs. 6,18,969/= claimed is the actual sum supported by vouchers and the same is not being disputed by the Respondents. The sanction or prior approval before undergoing operation cannot be a test or reasonable basis to reject a special sanction for higher amount as the basic principle being reimbursement of the actual sum in specialised treatment, when such treatment is not available in the Government Hospitals.

33. The Consultant attached to the Apollo Cancer Hospital as well as the Dean of Government Stanley Hospital also certified that such a treatment is not available in the Government General Hospital or any other Government Hospital. That being the actual position, there is no reason at all to still view that such a treatment is available in the Government Hospitals. This view of the first

Respondent cannot be appreciated, nor it would be sustained. In fact the second Respondent had while forwarding the papers of the Petitioner had recommended for reimbursement of the actual expenditure. There is no reason at all to discriminate between Dr. Rajappa and the Petitioner who seeks for reimbursement of Rs. 6, 18,969/- only and what has been sanctioned to Dr. Rajappa, for identical treatment in the same Hospital exceed Rs. Fifteen lakhs.

34. The attention of the Court was drawn to the judgment of the Apex Court in Surjit Singh Vs. State of Punjab and Others, , wherein Their Lordships of the Apex Court while holding that self preservation of one's life is the necessary concomitant of the right to life enshrined in Article 21 of the Constitution of India, fundamental in nature, sacred, precious and inviolable. In that context, the Apex Court held thus:

11. It is otherwise important to bear in mind that self-preservation of one's life is the necessary concomitant of the right to life enshrined in Article 21 of the Constitution of India, fundamental in nature, sacred, precious and inviolable. The importance and validity of the duty and right to self preservation has a species in the right of self defence in Criminal law. Centuries ago, thinkers of this great land conceived of such right and recognised it. Attention can usefully be drawn to Verses 17,18,20 and 22 in Chapter 16 of the Garuda Purana (A dialogue suggested between the Divine and Garuda, the bird) in the words of the Divine:

17. Vinaa dehena kasaapi canpurushaartho na vidyate, Tasmaaddeham dhnam rakshetpunya karmaani saadhayet.

Without the body how can one obtain the objects of human life? Therefore, protecting the body which is the wealth, one should permit the deeds of merit.

18. Rakshayetsarvadaatmaanamaatmaa sarvasya bhaajanam, Rakshane yatnamaatishthejje vanbhaadraani pashyati One should protect his body which is responsible for everything. He who protects himself by all efforts, will see many auspicious occasions in life.

20. Sharirarakshdhqpaayaah Kriyante sarvadaa budhaiih, Necchanti cha punastyaagamapi kushthaadiroginah The wise always undertake the protective measures for the body. Even the persons suffering from leprosy and other diseases do not wish to get rid of the body.

22. Aatmaiva yadinaaatmaanamahitebhyo nivaarayet, konsoyo hitakarastasmaada atmaanam taarayishyati If one does not prevent what is unpleasant to himself, who else will do it? Therefore, one should do what is good to himself.

12. The Appellant, therefore, had the right to take steps in self preservation. He did not have to stand in queue before the Medical Board, the manning and assembling of which, bare facedly, makes its meetings difficult to happen. The Appellant also did not have to stand in queue in the Government Hospital of AIMS and could go elsewhere to an alternative hospital as per policy, when the

State itself has brought Escorts on the recognised list, it is futile for it to contend that the Appellant could in no event have gone to Escorts and his claim cannot on that basis be allowed, on suppositions we think to the contrary. In the facts and circumstances, had the Appellant remained in India, he could have gone to Escorts like many others did, to save his life. But instead, he has done that in London incurring considerable expense. The doctors causing his operation there, are presumed to have done so as one essential and timely. On that hypothesis, it is fair and just that the Respondents pay to the Appellant, the rates admissible as per Escorts. The claim of the Appellant having been found valid, the question posed at the outset is answered in the affirmative. Of course, the sum of Rs. 40,000/- already paid to the Appellant would have to be adjusted in computation. Since the Appellant did not have his claim dealt with in the High Court in the manner it has been projected now in this Court, we do not grant him any interest for the intervening period, even though prayed for. Let the difference be paid to the Appellant within two months positively. The appeal is accordingly allowed. There need be no order as to costs..

35. The abovesaid pronouncement supports the Petitioner's claim for reimbursement of actual. This Court is of the view merely because the Petitioner had applied under a particular scheme he cannot be denied the reimbursement of the medical expenditure as the Government had taken upon itself to reimburse the expenditure incurred for expert treatment if it is not available in any one of the Government institutions. That is the principle and basis which would have prevailed upon the Government to sanction the whole amount as claimed. In the present case, there is no dispute as to the quantum of actual expenditure incurred by the Petitioner which is the amount claimed by the Petitioner.

36. There is no reason at all to discriminate the Petitioner's claim from that of Dr. Rajappa. In fact, the Director from Medical Education, while forwarding the Petitioner's claim for the actual reimbursement had submitted a report that the Petitioner is entitled for reimbursement of the actual expenditure claimed by him, as such a treatment is not available in any one of the Government Hospitals. As already pointed out, the actual expenditure incurred had been substantiated by the Petitioner by production of vouchers. The Dean of Government Stanley Hospital has certified that the treatment which the Petitioner's wife had undergone is not available in any one of the Government Hospitals, much less in Madras Medical College. The treatment which was undergone by the Petitioner's wife is identical to the treatment undergone by Dr. J. Rajappa, the then Director of Medical Education. , -

37. Merely because the Petitioner did not apply in advance, the denial of actual expenditure, and the reimbursement of Rs. One lakh alone, is arbitrary, and it offends Article 14 as well as 21 as has been held by the Apex Court in *Surjit Singh v. State of Punjab*, cited supra. This Court is of the considered view that the Respondents should have sanctioned the actual expenditure incurred by the

Petitioner instead of assuming that the maximum amount the Petitioner is entitled to is Rs. 1 lakh. When the Petitioner had applied for revision of the claim, the Respondents should have considered the Petitioner's claim not only under the Medical reimbursement scheme, but also under other schemes or under the Chief Minister's Relief Fund and should have sanctioned the amount as it is a bona fide claim which the Petitioner had to incur to save his wife. ,.

38. There cannot be any difference between Dr. J. Rajappa or for that matter in the case of Petitioner's wife. At the risk of repetition, it has to be pointed out that for the same disease which is identical and gruesome, the two have undergone the same treatment in the same private Hospital.

Merely because, the Petitioner had not applied for prior approval or sanction, the Respondents are not justified in denying reimbursement of substantial portion of the claim as it is a matter of urgency which the Petitioner has to face. During those periods of urgency, when undergoing the sense of deprivation of life companion of the Government servant from the gruesome disease, which the Government Servant's wife had to extricate herself, it cannot be said that not obtaining prior approval is a reason to justify and to deny the actual reimbursement. There is no dispute as to the truth or genuineness of the treatment undergone by the Petitioner's wife.

39. In the foregoing circumstances, in the fitness of things, the Respondents should have considered the Petitioner's claim as was done in the case of Dr. Rajappa, the then Director of Medical Education. Merely because Dr. Rajappa was an ex-service man or that he has obtained prior approval cannot be a reason to deny actual reimbursement in the case of the Petitioner as it is the urgency or the feeling of risk which endangered the life of the Petitioner's wife would have prevented the Petitioner from applying in advance. The Petitioner had not been apprised or advised of the other schemes. Now, the. Petitioner had relied upon the very same G.O. under which Rs. 15.11,997/- was sanctioned to Dr. Rajappa, it would have been proper to consider the claim in the proper perspective.

40. In the foregoing circumstance, while holding that the sanction of Rs. 1 lakh is wholly insufficient and taking note of the admission of the Respondents that the Petitioner had actually incurred the expenditure of Rs. 6, 18,969.41, this Court allows the writ petition, quashes the impugned order and holds that the writ Petitioner is entitled for reimbursement of the whole of the amount claimed by him.

41. The Respondents are directed to consider the above and pass appropriate orders which would subserve the interest of the State Government servants and with munificence as well as magnanimity under any one of the schemes including the scheme of reimbursement under the Chief Minister's Relief Fund. The Respondents shall pass orders within six weeks from the date of communication of this order.

42. It is also made clear that it would be sufficient to reimburse what has been

actually incurred by the Petitioner and the Petitioner is not entitled for payment of any interest for belated payment.

43. The writ petition is allowed to the extent indicated above and the parties shall bear their respective costs.