

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

WRIT PETITION NO: 11212 of 2012

N G PAPA RAO,, S/O LATE RAYUDU, RETD.REVENUE
OFFICER R/O 3-51-19, NEAR D.S.TANK
TADEPALLIGUDEM TOWN & MANDAL, WEST
GODAVARI DISTRICT.

... Petitioner

Versus

THE SECRETARY TO GOVERNMENT, GOVERNMENT OF
ANDHRA PRADESH MUNICIPAL ADMINISTRATION &
URBAN DEVELOPMENT [D2] DEPARTMENT,
SECRETARIAT, HYDERABAD AND ANOTHER

... Respondents

DATE OF ORDER PRONOUNCED : **07.11.2025**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

1. Whether Reporters of Local Newspapers
may be allowed to see the order? : Yes/No
2. Whether the copy of order may be
marked to Law Reporters/Journals? : Yes/No
3. Whether His Lordship wish to
see the fair copy of the order? : Yes/No

SUBBA REDDY SATTI, J

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

WRIT PETITION NO: 11212 of 2012

% 07.11.2025

Writ Petition No. 11212 of 2012

N G PAPA RAO, S/O LATE RAYUDU, RETD.REVENUE
OFFICER R/O 3-51-19, NEAR D.S.TANK
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THE SECRETARY TO GOVERNMENT, GOVERNMENT OF
ANDHRA PRADESH MUNICIPAL ADMINISTRATION &
URBAN DEVELOPMENT [D2] DEPARTMENT,
SECRETARIAT, HYDERABAD AND ANOTHER

... Respondents

! Counsel for Petitioner : Marupilli Saradha,
learned counsel
^ Counsel for Respondents : Government Pleader for Municipal
Administration and Urban Development
< Gist :
> Head Note :
? Cases referred :

- 1) (1995) 3 SCC 42
- 2) (1997) 2 SCC 83
- 3) 2025 SCC OnLine SC 1844
- 4) MANU/DE/0294/2009
- 5) (1996) 4 SCC 36

This Court made the following:

APHC010577332012



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3331]

FRIDAY, THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 11212/2012

Between:

1 N G PAPA RAO,, S/O LATE RAYUDU, RETD.REVENUE OFFICER
R/O 3-51-19, NEAR D.S.TANK TADEPALLIGUDEM TOWN &
MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1. THE SECRETARY TO GOVERNMENT, GOVERNMENT OF
ANDHRA PRADESH MUNICIPAL ADMINISTRATION & URBAN
DEVELOPMENT [D2] DEPARTMENT, SECRETARIAT,
HYDERABAD.
2. THE COMMISSIONER, MUNICIPAL CORPORATION,
RAJAHMUNDRY, EAST GODAVARI DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more fully one in the nature of Writ of Mandamus declaring the action of the 1st respondent herein in returning the proposal for sanction of Rs. 96,424/- towards medical reimbursement for the period 24-03-2007 to 28-06-2007 in respect of the petitioner herein as illegal, void and capricious and consequently set aside the Memo No. 25569/D2/2011-3, dated 31-01-2012 of the 1st respondent herein by holding

that the G.O. Ms. No. 230 Finance (DCM-I) Department dated 15-10-2011 is not applicable to the said medical bills and direct the 1St respondent herein to sanction the aforesaid amount by granting relaxation to the petitioner herein

IA NO: 1 OF 2012(WPMP 14147 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents herein to receive the medical bills of the petitioner herein and grant the medical reimbursement an amount of Rs.96,426/- to the petitioner herein forthwith, pending disposal of the above Writ Petition

IA NO: 4 OF 2012(WPMP 96458 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the filing of certified copy of the order dt.03.04.2025 passed in W.P.No.11212 of 2012 in the interest of justice and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to restore W.P. No.11212 of 2012 by setting aside the order dt.03.04.2025 passed in the said W.P. in the interest of justice and pass

Counsel for the Petitioner:

1. MARUPILLI SARADA

Counsel for the Respondent(S):

1. GP FOR MUNICIPAL ADMN AND URBAN DEV
2. K SWARNA SESHU

The Court made the following:

::ORDER::

The petitioner, retired as Revenue Officer from respondent No.2 office, filed the above writ petition to declare the action of respondent No.1 in

returning the proposal for sanction of Rs.96,424,- towards medical reimbursement for the period 24.03.2007 to 28.06.2007, as illegal and arbitrary and consequently to set aside Memo No.25569/D2/2011-3, dated 31.01.2012.

2. The averments in the writ affidavit, in brief, are that the petitioner's wife Smt N. Laxmi Kumari underwent treatment in a private hospital, 'Soumya Multi Speciality Hospital, Karkhana, Secunderabad, for cancer disease "Ca. Breast with bone metastasis" from 24.03.2007 to 28.06.2007. The petitioner incurred an expenditure of Rs. 1,28,446/- for treatment. Thereafter, the petitioner's wife lost her breath.

3. The petitioner submitted medical bills for Rs.1,28,446/- to respondent No.2, on 05.10.2009, with a request to forward the same to respondent No.1, for relaxation as the said bills were submitted with a delay. As respondent No.2 did not forward the bills to respondent No.1, the petitioner filed W.P.No.2617 of 2011 and the same was disposed of on 09.02.2011, directing respondent No.3 therein to examine and consider feasibility of the medical bills submitted by the petitioner and further directed respondents No.1 and 2 therein i.e. the Director of Medical Education, Government of A.P., Hyderabad and the Commissioner, Municipal Corporation Rajahmundry, East Godavari District, to process the same in accordance with law.

4. Thereafter, the petitioner made another application dated 23.04.2011 to respondent No.2. Respondent No.2 forwarded the petitioner's proposal to respondent No.1 vide ROC No.8178/2009-C1 dated 22.05.2011. The Deputy Secretary to Government returned the said proposal vide Memo No.13286/D2/2011-1, dated 20.06.2011, with a direction to respondent No.2 to get the said medical bills scrutinised by the Director of Medical Education, A.P., Hyderabad and submit the proposal to the Government through the Commissioner and Director of Municipal Administration, Hyderabad.

5. Respondent No.2, vide ROC No.8178/2009-C1, dated 05.07.2011 (Ex.P6), submitted the proposals to the Director of Medical Education, Andhra Pradesh, Hyderabad, for scrutiny. The Director of Medical Education scrutinised the medical bills and after approving an amount of Rs. 96,424/-, forwarded it to respondent No. 2 vide L.Dis.No.33628/MA-D/2011 dated 28.07.2011, Ex.P7. Respondent No.2, in turn, sent the proposal to the Director of Municipal Administration, Andhra Pradesh, Hyderabad, vide Roc No.8178/2009-C1 dated 12.08.2011 (Ex.P8) to take necessary action. The Director, Municipal Administration, vide Lr.Roc.No.16328/2011/K1, dated 29.09.2011 (Ex.P9), forwarded the said proposals to respondent No.1 with a request to issue a necessary relaxation order in the matter since the claim for medical reimbursement was submitted after a lapse of six months. Respondent No. 1 returned the proposal vide memo No. 25569/D2/2011-3 dated 31.01.2012 (Ex. P1), citing G.O. Ms No.230, Finance (DCM-I) Department, dated 15.10.2011. Thereafter, the Director of Municipal Administration issued an endorsement, dated 29.03.2012. Assailing the action of respondent No.1, in returning the proposal through Ex.P1, the above writ petition was filed.

6. A counter affidavit was filed on behalf of respondent No.2, reiterating the averments made in the writ affidavit and contended that the authority has no role to play regarding the relaxation of the time limit.

7. No counter affidavit is filed on behalf of respondent No.1.

8. Heard Smt M. Sarada, learned counsel for the petitioner and learned Government Pleader for Municipal Administration and Urban Development.

9. Learned counsel for the petitioner reiterated the averments made in the writ affidavit.

10. Learned Government Pleader for Municipal Administration and Urban Development submitted that the Government issued G.O.Ms.No.230 Finance

(DCM-I) Department dated 15.10.2011, whereby instructions were issued to promote fiscal discipline and an approach of financial prudence in Government Departments. Clause (iv) of the said G.O. mandates no permission for relaxation of rules, which involves additional burden on the Exchequer, like payment of medical bills. Thus, he contended that respondent No.1 returned the proposal submitted by the Director, Municipal Administration, seeking relaxation of bills vis-à-vis medical reimbursement.

11. The point for consideration is:

Whether memo No. 25569/D2/2011-3 dated 31.01.2012 (Ex.P1) issued by respondent No.1, returning the proposal for sanction of Rs.96,424/-, towards medical reimbursement, by relaxing the rules, is legally sustainable?

12. The Andhra Pradesh Integrated Medical Attendance Rules, 1972 (for short 'the Rules') would apply to the persons, who are entitled to medical attendance under the Secretary of State Services (Medical Attendance) Rules, 1938, the All India Services (Medical Attendance) Rules, 1954 and also to the Andhra Pradesh State Higher Judicial Officers who are to be treated on par with the I.A.S. and I.P.S. officer, but only to the extent to which they are not inconsistent with these rules.

13. Rule 5 of the Rules delineates the medical treatment. Rule 5 (3)(iii) of the Rules mandates that all claims for refund of expenses incurred on account of the purchase of special medicines should be preferred in the manner indicated in Appendix III. As per Rule 3 of Appendix III, any claim that has been preferred six months after the last date of the period of treatment shall ordinarily be rejected. However, in note (1), it was mentioned that belated claims of officers shall be referred to the Government in the General Administration and Health Departments, respectively, for special sanction. In note (2), it is mentioned that 15% cut will be imposed upon the belated claims.

14. In the case at hand, the petitioner's wife underwent treatment for cancer from 24.03.2007 to 28.06.2007, and later she took her last breath. The petitioner submitted bills on 05.10.2009. Since there was no response from respondent No.2, the petitioner filed W.P.No.2617 of 2011 and the said writ petition was disposed of on 09.02.2011.

15. Thereafter, respondent No.2 forwarded the proposal to respondent No.1 by proceedings, dated 22.05.2011, without getting the bills scrutinised by the Director, Medical Education. As such, the proposal was returned by the Deputy Secretary to the Government, directing respondent No.2 to get the medical bills scrutinised by the Director, Medical Education. Respondent No.2, in turn, submitted the proposal to the Director of Medical Education, vide Ex.P6. **The Director, Medical Education, scrutinised the bills and sent communication to respondent No.2, vide Ex.P7, by cutting 15% amount as per the Rules.** Thereafter, respondent No.2 forwarded the same to the Director, Municipal Administration vide Ex.P8 to get relaxation. The Director, Municipal Administration vide Ex.P9, annexed with the medical bills and other reports, requested respondent No.1 to issue the necessary relaxation. However, respondent No.1 rejected the claim by referring to G.O.Ms.No.230 Finance (DCM-I) Department dated 15.10.2011. (emphasis added)

16. No doubt, Government issued G.O.Ms.No.230 Finance (DCM-I) Department dated 15.10.2011, giving instructions to promote fiscal discipline. Clause (iv) of the said G.O. stipulates that no relaxation of rules which involves additional burden on the Exchequer, like payment of medical bills, would be permitted. However, the said G.O. was issued on 15.10.2011, which operates only prospectively, whereas the petitioner made a claim initially in the year 2009 and thereafter, by way of reminder, in April 2011, after disposal of W.P.No.2617 of 2011.

17. The right to health is integral to the right to life under Article 21 of the Constitution of India. The Government has a constitutional obligation to

provide health facilities under Article 39 (e) of the Constitution of India. Thus, the Right to health and medical care to protect the health of a citizen while in service or post-retirement is a fundamental right under Article 21, read with Article 39 (e) of the Constitution of India. The said proposition was underscored by the Hon'ble Apex court in **Consumer Education & Research Centre and Others v. Union of India and Others**¹ and **State of Punjab and Others v. Mohinder Singh Chawla and Others**².

18. Whether the G.O.Ms.No.230 Finance (DCM-I) Department dated 15.10.2011 overturns the fundamental right of the petitioner under Article 21 of the Constitution of India.

19. It is a well-settled principle of Constitutional law that the Constitution of India is the supreme law of the land. No administrative order, executive action, or Government Order, howsoever issued, can override, curtail, or suspend the provisions of the Constitution of India. This principle has been time and again reiterated by the Hon'ble Apex Court. In a recent judgment, the Apex Court in **Partha Das & Ors. v. The State of Tripura & Ors.**³ held that:

"Executive instructions issued under Article 166(1) of the Constitution of India cannot override the act done under the statute and the rules made thereunder. The executive instructions can only supplement the provisions of the act and the rules in case of any ambiguity or if gaps are to be filled but such executive instructions cannot supplant the specific provisions which already occupy the field."

20. The respondents have sought to justify the rejection of the petitioner's medical claim in the guise of G.O.Ms.No.230, which was issued to promote fiscal discipline and financial prudence, and that clause (iv) of this G.O.

¹ (1995) 3 SCC 42

² (1997) 2 SCC 83

³ 2025 SCC OnLine SC 1844

restricts relaxation of rules that involve additional burden on the Exchequer. However, the operation of the said G.O. is prospective in nature, and it would not apply to the claim of the petitioner since the claim was approved as per the Rules.

21. In **K.K. Kharbanda v. Union of India and Others**⁴, the Delhi High Court extensively discussed the constitutional obligation of the State to reimburse medical expenses incurred by government servants. In this regard, the Hon'ble Apex court, in **Paschim Banga Khet Mazdoor Samity v. State of West Bengal**⁵ observed as under:

"It is no doubt true that financial resources are needed for providing these facilities. But at the same time it cannot be ignored that it is the constitutional obligation of the State to provide adequate medical services to the people. Whatever is necessary for this purpose has to be done. In the context of the constitutional obligation to provide free legal aid to a poor accused this Court has held that the State cannot avoid its constitutional obligation in that regard on account of financial constraints. The said observations would apply with equal, if not greater, force in the matter of discharge of constitutional obligation of the State has to be kept in view."

22. In the case at hand, as discussed supra, since the Rule mandates relaxation to claims made beyond six months, the Director, Medical Education, approved the claim of the petitioner after deducting 15% as per note (2) of Rule 3 of Appendix-III. The G.O.Ms.No.230 Finance (DCM-I) Department dated 15.10.2011 would not take away the petitioner's constitutional right under Article 21 read with Article 39 (e) of the Constitution of India and the

⁴ MANU/DE/0294/2009

⁵ [1996] 4 SCC 36

State's Obligation under Part-IV of the Constitution of India. In other words, the government order, referred to supra, will not overturn the right guaranteed to the petitioner under Article 21 of the Constitution of India. Unfortunately, the petitioner, a retired employee, has been made to wait for a claim of Rs.96,424/- for more than a decade.

23. Given the facts and circumstances of the case, this writ petition is allowed. Memo No.25569/D2/2011-3, dated 31.01.2012, issued by respondent No.1, returning the proposal for sanction of Rs.96,424/- towards medical reimbursement, without extending relaxation, is hereby set aside.

24. Respondent No.1 shall sanction relaxation regarding the proposal towards medical reimbursement for sanction of Rs.96,424/- to the petitioner in pursuance of Ex.P9 and pass appropriate orders within a period of three weeks from the receipt of a copy of the order.

25. Thereafter, the respondent authorities shall ensure payment of the amount to the petitioner, as per the rules, as expeditiously as possible, preferably within a period of four weeks. No costs.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 07.11.2025
IKN

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 11212 of 2012

Date: 07.11.2025

IKN