

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No.660 of 2015
and
M.P. No.1 of 2015

1. The State of Tamil Nadu
represented by its Secretary to Government
Health and Family Welfare Department
Fort St. George
Chennai 600 009
 2. The Director
Health and Family Welfare Department
Greens Road
Chennai 600 006
- ... Appellants/Respondents
- vs.
- P. Dharmaraj
- ... Respondent/Petitioner

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 08.10.2014 passed in W.P. No.4978 of 2014 praying for a Writ of Certiorarified Mandamus calling for the records pursuant to the order of the Second Respondent in proceeding O.Mu.No.50932/T1.V93.THA.MA.No.NI.O.A/13 dated 12.8.2013 and quash the same and consequently, direct the respondents to accept the medical claim petition of the petitioner and reimburse the medical expenses of Rs.9,00,000/- with interest.

For appellants : Mr. N. Sakthivel
Government Advocate

For respondent : Mrs. Selvi Rajesh
for Mr. P. Rajesh

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-Court appeal arises from the order dated 08.10.2014 rendered by a learned Single Judge in W.P. No.4978 of 2014, wherein, the claim of financial assistance by the respondent/writ petitioner for treatment from Ananthapuri Hospitals and Research Institute at Thiruvananthapuram, was denied by the State Government on the ground that the said institute was not a Government-accredited one.

2. The learned Single Judge, recording the finding that the other institute, viz., Noorul Islam Institute of Medical Science and Research Foundation, accredited by the State, is at par with Ananthapuri Hospitals and Research Institute at Thiruvananthapuram, as both are in the private sector, held that the State cannot deny financial assistance to the respondent/writ petitioner, as he is entitled to the same on the basis of the certificate issued by Noorul Islam Institute of Medical Science and Research Foundation.

3. The question that arises for consideration in this appeal is as to whether a Government employee is required to take medical assistance only from an accredited hospital of the State Government or he can take medical assistance from any hospital as per his convenience and requirement and submit a bill for reimbursement.

4. In the case on hand, since the respondent/writ petitioner is a daily wage earner, we are not inclined to go into this question. Having regard to the facts and circumstances of the case, we leave the question open to be decided in an appropriate case and uphold the order rendered by the learned Single Judge in the peculiar facts and circumstances of the instant case. However, it is made clear that the appellants are entitled to verify the claim of the respondent/writ petitioner before granting financial assistance under the relevant scheme.

5. The writ appeal stands disposed of with the above observations. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary to Government
State of Tamil Nadu
Health and Family Welfare Department
Fort St. George
Chennai 600 009

2. The Director
Health and Family Welfare Department
Greens Road
Chennai 600 006

+1cc to Mr.P.Rajesh, Advocate, S.R.No.22768
+1cc to the Government Pleader, S.R.No.22784

W.A. No.660 of 2015

JSV(CO)
CA(30/04/2015)



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