



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P. (MD) No.22176 of 2015

V.Murugan

:Petitioner

Vs.

1.The Principal Secretary to Government, [Expenditures],
Finance [Salaries] Department,
Secretariat, Chennai 600 009.

2.The United India Insurance Co., Ltd.,
Divisional Office VI,
5th Floor, P.L.A.Rathna Towers,
No.212, Anna Salai, Chennai 600 006.

3.The Commissioner of Treasuries and Accounts,
2nd Floor, Panagal Building,
Jeenish Road, Saidapet, Chennai 600 015.

4.The Joint Director,
Rural Health and Family Welfare Services,
Virudhunagar.

5.The District Treasury Officer,
District Treasury, Virudhunagar.

6.The Additional Treasury Officer,
Sub - Treasury, Srivilliputhur,
Virudhunagar District.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus calling for the records of the sixth respondent pertains to the proceedings in O.Mu.1414/Q3/2015, dated Nil.09.2015 which signed on 24.09.2015 and quash the same as illegal and unconstitutional, consequently direct the respondents to sanction and reimburse the medical expenses incurred by the petitioner for a sum of Rs.1,86,263/-.

For Petitioner	: Mr.S.Balamurugan
For Respondent Nos.1, 3 to 6	: Mr.S.Chandrasekar
	Government Advocate
For Respondent No.2	: Given up

O R D E R

Mr.S.Chandrasekar, the learned Government Advocate, takes notice for the respondent Nos.1, 3 to 6. By consent, the Writ Petition is taken up for disposal at the stage of admission itself, as the issue involved in this Writ Petition is covered by various decisions of this Court.



2. The case of the petitioner is that initially, he was appointed as Copyist on 07.12.1983. Thereafter, he was promoted as Head Clerk. While he was working as Head Clerk at District Munsif Court, Aruppukkottai, he retired from service voluntarily due to medical grounds on 31.10.2008. After retirement, he is regularly subscribing to the Tamil Nadu New Health Insurance Scheme 2014 and monthly deductions are made from his pension towards the said scheme.

3. While so, on 07.10.2014, he met with an accident, while travelling in an Auto at Srivilliputhur and his left leg got fractured. Immediately, he was admitted in a nearby hospital at Rajapalayam, known as "Sakthibala [Ortho] Hospital" where he underwent a surgery and his left knee was amputated and thereafter, debridement of scalp laceration was also done, in view of the urgency involved. Subsequently, he was discharged from the said hospital, on 05.11.2014 and he incurred a sum of Rs.1,86,263/- towards medical expenses including the surgery. In this regard, the petitioner submitted an application before the sixth respondent seeking medical reimbursement. However, the fifth respondent, by the impugned order, dated 24.09.2015, rejected the claim of the petitioner on the ground that the Hospital, where the petitioner underwent treatment, is not included in the Government Order. Challenging the same, the petitioner has come up with the present Writ Petition.

4. The learned counsel for the petitioner has submitted that the issue involved in this Writ Petition is covered by a number of decisions of this Court. He has further submitted that the similar issue, as to whether the medical claim can be rejected on the ground that the hospital, where the treatment was given, is not listed in the Government Orders was considered by this Court in the case of

(i). K. Subramanian K. V. Special Commissioner and Commissioner of Treasuries and Accounts, reported in [2006 (2) MLJ 267]

(ii). C. Nagamuthu V. State of Tamil Nadu reported in [2006(2) MLJ 747].

(iii). E. Ramalingam V. Director of Collegiate Education reported in [2006 (3) MLJ 641]

(iv). K. Sundarraaj v. mgmt of T.N.S.T. Corporation (Madurai) Ltd, reported in [2006 (4) MLJ 1183];

(v). [K. Balaswami V. Director of Pension reported in [2007 (3) MLJ 385];

(vi). K. Mani V Secy to Govt, Health & Family Welfare Dept reported in [2007(3) MLJ 34,

(vii). K. Pankajakshan Vs. The Secretary to Government, reported in 2010 (4) CTC 637.

5. In the said Judgments, it is held that if the treatment taken is found genuine and the person is a subscriber to the scheme, medical reimbursement shall be given to the individual concerned.

6. Following the said Judgments and taking note of the genuineness of the treatment taken by the petitioner and the urgency involved, the impugned order dated 24.09.2015 is set aside and the matter is remitted back to the Additional Treasury Officer, Sub - Treasury, Srivilliputhur, Virudhunagar District, the sixth respondent herein, who shall decide the issue afresh, in the light of the aforesaid facts and the decisions,



referred to above and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

7. The Writ Petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(Per Admn)

/True Copy/

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Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Principal Secretary to Government, [Expenditures],
Finance [Salaries] Department,
Secretariat, Chennai 600 009.

2.The Commissioner of Treasuries and Accounts,
2nd Floor, Panagal Building,
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4.The District Treasury Officer,
District Treasury, Virudhunagar.

5.The Additional Treasury Officer,
Sub - Treasury, Srivilliputhur,
Virudhunagar District.

+1cc to the Special Government Pleader, in SR.71964

+1cc to M/s.S.Balamurugan, Advocate in SR.72129

W.P. (MD) No.22176 of 2015

DATED - 15.12.2015

nb

PBK/NGM-SS 31/12/2015 ::3P-8C::