

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31448 of 2014
and M.P.No.1 of 2014

B.Parthiban

... Petitioner

Vs.

1. Employees State Insurance Corporation,
rep.by its State Medical Commissioner,
Regional Office,
No.178, Ansari Duraisamy Nagar,
100 Feet Road, Opp. to RTO,
Mudaliarpeta, Puducherry

2. Management,
Hindustan Unilever Limited,
Detergent Factory,
Off NH-45A, Vadamangalam,
Puducherry- 605 102.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of declaration declaring that the decision of the 1st respondent dated 3.11.2014 stating that the petitioner is not entitled to total hip replacement as the same does not come under Super Speciality Treatment as illegal, arbitrary and contrary to law and consequently direct the 1st respondent to extend Super Speciality Treatment to the petitioner for left side total hip replacement from the Hospital to which there is tie arrangement by the 1st respondent Corporation, to which the petitioner is entitled under the Employees State Insurance Act and the Regulations framed therein.

For Petitioner : Mr.Balan Haridas

For Respondent : Mr.G.Bharadwaj for R.1
Mr.G.Anand for
M/s.T.S.Goplan and Co., for R.2

ORDER

The petitioner, who was an employee of the 2nd respondent - Management, has approached this Court seeking for a declaration to declare the decision of the 1st respondent dated 3.11.2014 stating that the petitioner is not entitled to the total hip replacement surgery as it does not come under the super

speciality treatment as being illegal.

2. It is submitted by the learned counsel for the petitioner that during the pendency of the writ petition, the 1st respondent has sanctioned a sum of Rs.2,19,210 as against the total bill amount of Rs.3,47,885/-. Learned counsel for petitioner on instructions submitted that the petitioner would be satisfied if the 1st responding takes a decision as regards the full claim of the petitioner towards his medical treatment.

3. The learned counsel for 1st respondent submitted that the amount has already been settled to the petitioner and the issue as to whether the petitioner is entitled for any further amount will be decided in terms of the relevant regulations.

4. Therefore, the writ petition is disposed of by directing the 1st respondent to take a decision in the matter in accordance with the regulations as to whether the petitioner is entitled for any further payment pursuant to his representation dated 2.2.2015. The above decision shall be taken by the 1st respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

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To

1. The State Medical Commissioner,
Regional Office,
Employees State Insurance Corporation,
No.178, Ansari Duraisamy Nagar,
100 Feet Road, Opp. to RTO,
Mudaliarpet, Puducherry
2. Management,
Hindustan Unilever Limited,
Detergent Factory,
Off NH-45A, Vadamangalam,
Puducherry- 605 102.

+ 1 cc to M/s. G. Bharadwaj, Advocate Sr.12784

W.P.No.31448 of 2014

AK(CO)

En 14.03.16

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