

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.4323 of 2015
and
M.P.No.1 of 2015

V.Thirumal

...Petitioner

Vs.

1. The Employees' State Insurance Corporation,
rep. by its Regional Director,
Regional Office,
No.178, Ansari Duraisamy Nagar,
100 Feet Road, Opp. to R.T.O.,
Mudaliarpet, Puducherry.
 2. Management,
Hindustan Unilever Limited.
Detergent Factory,
Of NH - 45A Vadamangalam,
Puducherry - 605 102.
-Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Declaration, declaring the action of the first respondent in not paying Rs.73,336/- in respect of expenses incurred by the petitioner for surgery to set right the dislocation of right shoulder on 22.02.2014, and the action of the first respondent in not sanctioning to undergo surgery to set right dislocation of left shoulder for which, estimate has already been given by the Chettinad Super Specialty Hospital as illegal, and consequently, to direct the first respondent to extend Super Specialty Treatment to the petitioner for surgery to set right the dislocation of left shoulder from the Hospital to which, there is tie up arrangement by the first respondent/Corporation to which the petitioner is entitled under the Employees State Insurance Act and the regulations framed therein and further to direct the first respondent to pay Rs.73,336/- along with interest at the rate of 18% p.a being the amount incurred to set right the right hand shoulder, which has already approved.

For Petitioner : Mr.Balan Haridas
For Respondent-1 : Mr.P.Chandresekaran
For Respondent-2 : No appearance

O R D E R

The petitioner has filed this Writ Petition seeking for issuance of Writ of Declaration, to declare the action of the first respondent in not paying the amount towards medical expenses incurred by the petitioner for the surgery, and the action of the first respondent in not sanctioning to undergo the surgery, for which, estimate has already been given by the Chettinad Super Specialty Hospital, as illegal, and consequently, to direct the first respondent to extend Super Specialty Treatment to the petitioner for surgery, to which, he is entitled to under the Employees State Insurance Act, and further to direct the first respondent to pay Rs.73,336/- along with interest at the rate of 18% p.a, which has already approved.

2. Heard the learned counsel appearing for the parties.

3. This Court heard the Writ Petition on several occasions, and ultimately, the only issue that fell for consideration was whether the petitioner has to be referred to the Hospital to undergo surgery. Therefore, this Court issued a direction on 15.03.2016, directing the petitioner to appear before the first respondent/Employees' State Insurance Corporation on 21.03.2016, at 10.30 a.m., pursuant to which, the petitioner has appeared, and he has also been referred to the Hospital, and it is reported today by the learned counsel appearing for the petitioner that the surgery has been performed and the petitioner is recuperating.

4. In the light of the above, no further orders are required to be passed in this Writ Petition. If there is any problem that the petitioner may encounter subsequently, he shall first approach the first respondent and submit representation, and thereafter, if necessary, approach this Court.

5. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Employees' State Insurance Corporation,
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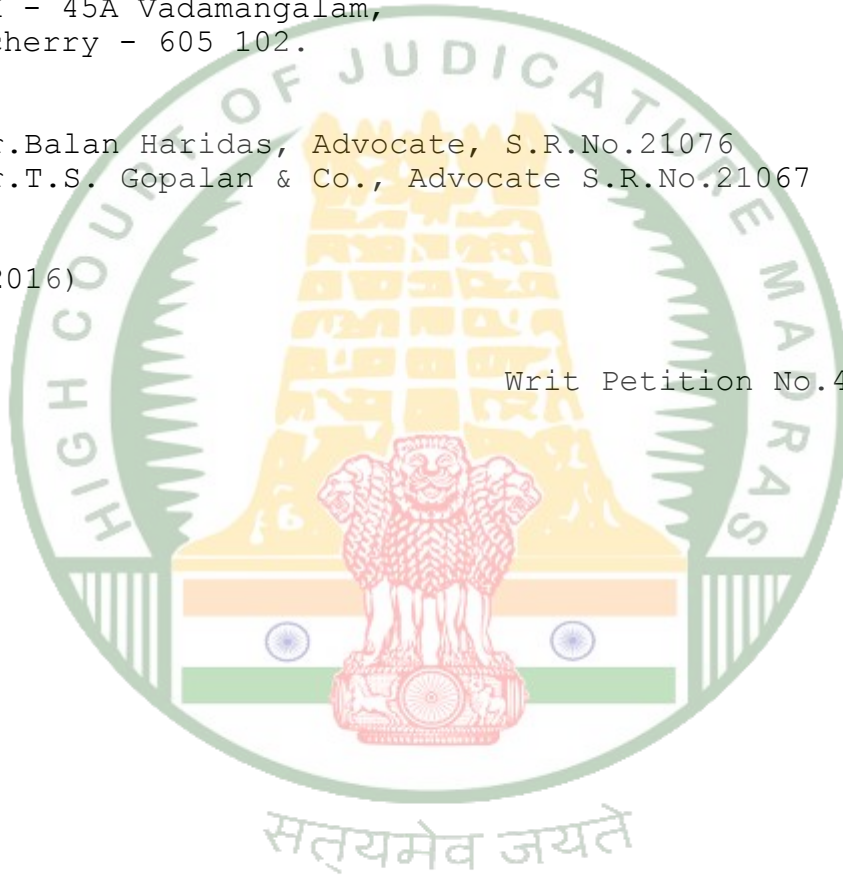
+1cc to Mr.Balan Haridas, Advocate, S.R.No.21076

+1cc to Mr.T.S. Gopalan & Co., Advocate S.R.No.21067

VSN(CO)

EU(26/04/2016)

Writ Petition No.4323 of 2015



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