



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.03.2016

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.(MD)No.1090 of 2016

and

W.M.P.(MD)No.916 of 2016

R.Subbuthai

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Finance (Pension) Department,
Fort St. George,
Chennai - 600 009.

2. The Joint Director of Medicine and
Rural Health Service and Family Welfare,
Virudhunagar,
Virudhunagar District.

3. The Additional Treasury Officer,
District Treasury Office,
Virudhunagar,
Virudhunagar District.

.. Respondents

Writ petition is filed under section 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the impugned proceedings made in Na.Ka.No.3231/Ma.Ku./2015, dated 14.08.2015 issued by the 2nd respondent and consequential order made in O.Mu.No.1523/Q3/2015, dated 21.09.2015 issued by the third respondent and quash the same and consequently direct the respondents to reimburse sum of Rs.2,76,632/- along with 12% interests to the petitioner.

For Petitioner : Mr.D.Sakkaravarthi

For Respondents : Mr.R.Anandharaj

Government Advocate

ORDER

The petitioner seeks for issuance of a Writ of Certiorarified Mandamus to quash the impugned order of the 2nd respondent and for a consequential direction to the respondents to reimburse the medical expenses of Rs.2,76,632/- to him.

2.In similar circumstances, this Court had decided the issue in W.P.(MD)No.7604 of 2014, dated 30.04.2014, wherein it has

<https://hcservices.ehmt3.gov.in/hcservices/> follows:-



"6. In this case, the petitioner's claim for medical reimbursement was rejected only on the reason that the petitioner's husband had undergone the treatment at the non net-work hospital (KIMS HOSPITAL, TRIVANDRUM). Such objection raised in similar matter was considered and rejected by this Court in W.P.No.8449 of 2007, dated 25.09.2013 by following the earlier decisions of this Court, wherein it is held thus:

"6. As rightly observed by the learned single Judge in W.P.No.2714 of 2007 (T) (O.A.No.5757 of 2001), dated 04.11.2011, a person struggling for life or his family members cannot be expected at the golden hours to search for a recognised hospital to save the life of such person for the immediate medical facilities. The idea to get the MEDICAL REIMBURSEMENT will not certainly strike in their mind at that point of time so as to search for hospitals, which are listed by the Government as recognised institutions. Therefore, if that requirement is expected to be complied with by the ailing person or his family members, then the object of giving the reimbursement itself would be totally defeated. Therefore, I am in full agreement with the observations made by the learned single Judge of this Court in their respective decisions cited supra. Accordingly, the Writ Petition is allowed and the impugned order is set aside and the respondents are directed to reimburse the petitioner the amount claimed by him within a period of eight weeks from the date of receipt of a copy of this order. No costs."

3. The above order of this Court has been subsequently followed by the learned single Judges of this Court in W.P.(MD) No.14585 of 2013, dated 21.01.2014 and in W.P.(MD) No.14113 of 2014, dated 19.09.2014.

4. Following the above decisions, the writ petition is allowed and the 2nd respondent is directed to reimburse the medical expenses incurred by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/
Assistant Registrar (AS)

/True Copy/



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To

1. The Secretary,
The Government of Tamil Nadu,
Finance (Pension) Department,
Fort St. George,
Chennai - 600 009.

2. The Joint Director of Medicine and
Rural Health Service and Family Welfare,
Virudhunagar,
Virudhunagar District.

3. The Additional Treasury Officer,
District Treasury Office,
Virudhunagar, Virudhunagar District.

+One CC to Mr.D.Sakkaravarthi, Advocate in Sr.No.12548

CN/SKN-SK/18.03.2016/3P-5C

W.P. (MD) No.1090 of 2016
and
W.M.P. (MD) No.916 of 2016

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