



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.22479 of 2016

A.Muniyandi

... Petitioner

-vs-

1.The Secretary to Government,
Finance (Pension) Department,
Secretariat,
Chennai - 600 009.

2.The Treasury Officer,
District Treasury Office,
Madurai Collectorate Building,
Madurai.

(R2 suo motu impleaded by the order
of this Court dated 24.11.2016)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent i.e. the Secretary to Government Finance (pension) Department Chennai relating to letter No 37903/ Finance (pension) 2016, dated 26.10.2016 and quash the same and consequently direct the respondent to sanction the eligible amount to the petitioner since claim of the petitioner cannot be rejected on the only ground that the hospital in which the petitioner undergone treatment in an unconscious condition is unapproved, within a specific time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

O R D E R

This Writ of Certiorarified Mandamus has been filed seeking to quash the letter dated 26.10.2016 and consequently direct the respondents to sanction eligible amount to the petitioner since the claim of the petitioner cannot be rejected on the only ground that the hospital in which the petitioner undergone treatment is



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The Treasury Officer, District Treasury Office, Madurai Collectorate Building, Madurai is suo motu impleaded as second respondent in this writ petition, as it is represented that the Treasury Officer ought to have been impleaded in order to get ultimate benefit from the treasury.

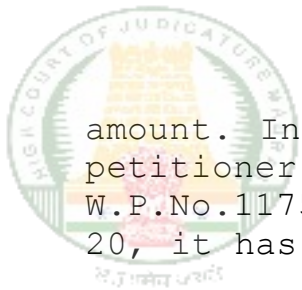
4. The Government has rejected the claim of the petitioner for medical reimbursement on the ground that the petitioner has taken treatment from the non-network hospital namely, Pandian Advanced Medical Centre (P) Ltd., Madurai; therefore, the petitioner is not entitled to claim medical reimbursement. This impugned order is under challenge.

5. The petitioner was lastly serving as Huzur Saristhdar (General) in the cadre of Tahsildar in the collector's office, Sivagangai and retired on 31.05.1996 on attaining superannuation. While he was getting pension, a sum of Rs.150/- was recovered from the pension every month under New Health Insurance Scheme, 2014 which was introduced in G.O.No.171 Finance (Pension) Department dated 20.06.2014.

6. It is the case of the petitioner that he was suffering from drowsiness, irregular speech and difficulty in walking due to some problem in brain and due to that, he became unconscious and immediately, he was admitted in Pandian Advanced Medical Centre (P) Ltd., Sivagangai Road, Madurai on emergency basis. Later on, surgery was performed. The petitioner incurred expenditure to the tune of Rs.92,535/- which is supported by medical documents and bills.

7. The claim made by the petitioner before the District Level Empowered Committee and the appeal preferred before the State Level Empowered Committee and further appeal before the High Level Committee were rejected only on the ground that treatment was taken in an unapproved hospital. Therefore, the petitioner is driven to the necessity of filing this Writ Petition, challenging the impugned order of the Secretary to Government, Finance (Pension) Department, dated 26.10.2016.

8. The learned counsel appearing for the petitioner would submit that even persons who took foreign treatment were given relevant reimbursement irrespective of the disease and irrespective of the hospital and the only condition that was looked into was genuineness of the treatment taken. It is pointed out that the New Health Insurance Scheme has provided lot of services to the claimants, but in any way, it is settled position that in case, the Insurance Company is not responsible, then, it is the responsibility of the Government to reimburse the



amount. In support of his contention, the learned counsel for the petitioner has relied upon the decision of this Court in W.P.No.1175 of 2004 dated 14.03.2005, under which, at paragraph - 20, it has been held as follows:

WEB COPY

"20.I am of the considered view that considering nature and scope of the schemes, the hospitals listed in the schedule are only illustrative in nature. It is a very curious to note that in respect of the Madurai Corporation, when Apollo Hospital, Madurai has been listed for the existing employees of the Corporation the same has not been listed for the purpose of pensioners. It is also seen that even under the scheme Apollo hospital, Chennai has been included but not Apollo hospital in Madurai. This only shows that the list of hospital given in the annexures are only illustrative in nature and the scheme cannot be construed as if only those hospitals listed should be hospitals capable of giving proper medical treatment."

9.Under such circumstances, the writ petition is allowed and the impugned order passed by the first respondent dated 26.10.2016 is set aside. The first respondent is directed to reimburse the claim of the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Finance (Pension) Department,
Secretariat,
Chennai - 600 009.

2.The Treasury Officer,
District Treasury Office,
Madurai Collectorate Building,
Madurai.

+1cc to Mr.S.Visvalingam, Advocate Sr.No.72860

+1cc to special Government Pleader SR.No.72692

mj

sm:RSK:06/02/2017:3P/5C

W.P (MD) No.22479 of 2016

24.11.2016