



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.11.2016

C O R A M

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THE HONOURABLE DR.JUSTICE **S.VIMALA**

Writ Petition (MD) No.22509 of 2016

Dr.V.R.Isaac

.. Petitioner

Vs.

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

2.The Treasury Officer,
District Treasury office,
Collectorate Buildings,
Madurai - 625 020.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the impugned proceedings made in O.Mu.163/5/2016/M1 dated 20.07.2016 issued by the 2nd respondent herein and quash the same and consequently direct the respondents to reimburse the sum of Rs.4,37,000.00 along with interest at 12% to the petitioner.

For Petitioner

... Mr.M.Sridher

For Respondents

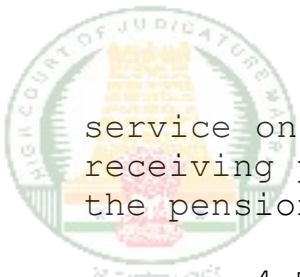
... Mr.M.Murugan
Government Advocate

O R D E R

This is a writ of Certiorarified Mandamus challenging the order, dated 20.07.2016 of the second respondent and to direct the respondents to reimburse the sum of Rs.4,37,000/- along with interest at 12% to the petitioner.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

<https://hcservices.ecourtsgov.in/hcservices/>
The petitioner had been employed in Government Service as a Doctor in the Department of Orthopaedics and retired from



service on superannuation in the year 1995. The petitioner is also receiving pension in **PPO A804658 Medical** and to evidence the same, the pension payment order is also filed in this case.

4.The Government of Tamil Nadu introduced the new Health Insurance Scheme, 2014 pursuant to the G.O.Ms.No.171, Finance (Pension) Department, dated 26.06.2014. The premium is continuously deducted from the petitioner's pension. The petitioner was admitted at Vellammal Hospital, Madurai on 23.12.2015 and thereafter, he was shifted to Appollo Hospital, Madurai from 07.01.2016 for further treatment and petitioner suffered amputation of his left leg below the knee. He was inpatient in the Appollo Hospital, Madurai during the period from 07.01.2016 to 15.01.2016 during which time surgery was done. His leg was fitted with Prosthesis (Artificial Limbs).

5.The petitioner made an application dated 28.03.2016 for reimbursement of medical expenses to the second respondent along with all the medical bills; discharge summary etc. The claim has been rejected on the ground that instead of opting for cashless treatment, the petitioner has paid the amount and therefore, as per rules reimbursement is not allowed.

6.Even though the Appollo Hospital, Madurai is in the list of approved hospitals and so many of the retired persons have taken treatment under the very same scheme, the second respondent has returned all the papers on 27.09.2016.

7.The learned counsel for the petitioner submitted that no hospital virtually permits treatment on a cashless basis and unless cash is paid, no treatment is given and therefore, when the payment is made in compulsive circumstances, the rejection on the ground that the cash is paid for treatment and that later it cannot be reimbursed, is illegal and it is in violation of Article 21 of the Constitution of India.

8.The contention of the learned counsel for the petitioner is well founded and the rejection on the ground that the petitioner without opting for cashless treatment, has paid the amount and therefore the claim for reimbursement cannot be considered, is illegal and it cannot be sustained and therefore, it is liable to be set aside.

9.In the result, the impugned order dated 20.07.2016 is set aside. The writ petition is allowed. The matter is remanded back to the second respondent with a direction to consider the case of the petitioner in the light of the provisions available under the New Health Insurance Scheme and to sanction the amount in accordance with the rules, within a period of eight weeks from the date of receipt of a copy of this order. It is a case, where a person, who has suffered amputation has been made to approach the



Court, on account of the illegal order passed by the second respondent. No costs.

Sd/-

Assistant Registrar(CSI)

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/True Copy/

Sub Assistant Registrar

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To

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

2.The Treasury Officer
District Treasury office
Collectorate Buildings
Madurai - 625 020.

+1cc to Mr.M.Sridhar, Advocate Sr.No. **72489**

+1cc to Spl.Government Pleader Sr.No. 72665

JAM/31.01.2017/ SV-MMS/3p-5c

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