



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.06.2016

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.2595 OF 2016

S.Manikandan

...Petitioner

.-Vs-.

1.The Secretary to Government,
Department of Finance (Salaries)
Fort.St.George,
Secretariat,
Chennai-600 009.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Joint Director of Health (Welfare)
Dindigul District,
Dindigul.

4.The Sub-Treasury Officer,
Nilakottai Taluk,
Dindigul District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in impugned proceedings in M.M.No.3748/15/F2 dated 04.01.2016 quash the same and consequently direct the respondents to reimburse the medical expenditure of Rs.1,27,542/- incurred by the petitioner and to pass such further orders as this Court may deem fit and proper.

For Petitioner :Mr.K.Sudalai Aiyandi

For Respondents :Mr.S.Kumar
Addl.Govt.Pleader.



Certiorarified Mandamus to call for the records of the second respondent in impugned proceedings in M.M.No.3748/15/F2 dated 04.01.2016 quash the same and consequently direct the respondents to reimburse the medical expenditure of Rs.1,27,542/- incurred by the petitioner.

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2. It is the case of petitioner, that he is working as a Driver in Tamil Nadu State Express Transport Corporation from the year 1997 and that he is a subscriber of Family Health Fund Scheme. It is the further case of petitioner that on 13.10.2014, he got sudden illness and that he was admitted in the Apollo Hospital at Madurai, where the Doctors found that the petitioner was affected with 'Acute Pulmonary Embolism'. It appears that the petitioner underwent treatment immediately upon the advice of Doctors and on 24.10.2014, he was discharged from the hospital, after settling a sum of Rs.1,27,542, as medical bills. When the petitioner sent a representation to the respondents 2 to 4, for the medical reimbursement, the second respondent has passed the impugned order dated 04.01.2016, informing the petitioner that the nature of treatment undergone by the petitioner is not within the list of disease/ailment specified in the items covered under the scheme. In support of his contention he relied upon an unreported judgment of this Court in the case of **N.Suseela -vs- The Secretary to Government, Department of School Education, Fort.St.George, Secretariat, Chennai-600 009 and four others** (W.P(MD)No. 11595 of 2013) decided on 16.06.2014, wherein paragraphs '8 and 9' would run thus:-

"8.Likewise, here the objection is that the particular fever suffered by the Petitioner's daughter is not a listed disease. In my considered view there cannot be any exhaustive list of diseases or ailments so as to bring the same under the scheme for extending the benefit. Needless to say that no one knows as to what ailment or physical sufferance he or she has to undergo or what course of treatment one has to take for such ailment or sufferance. Equally the framers of the scheme also cannot guarantee that no one will suffer with any other diseases other than the diseases listed out in the scheme. Nor they can assure that such non-listed diseases do not require any medical attention or treatment. Therefore, the list of diseases annexed to the scheme, would be only an illustrative or inclusive one and certainly not an exhaustive one. It is not the case of the respondents that the Petitioner's daughter did not suffer the dengue fever nor she took treatment for the same. It is an undisputed fact that so many people have lost their life by suffering with dengue fever. Therefore if these sort of technical



objections are raised to deny the benefit of the scheme, it would only defeat the object sought to be achieved rather than to ensure that it reaches the needy persons without any hindrance. A beneficial scheme aiming the common man's interest and welfare should always be made and applied as viable and practicable as far as possible. If practical approach is not made and the authorities are sticking on to their pedantic views based on the terms of the scheme, then this Court can always lift the veil and find out as to what is the real object which is sought to be achieved.

9. In a decision reported in **2007(2) CTC 494 (K. Balswami .vs. Director of Pension, Anna Salai, III Block, II Floor, Chennai - 600 006 and another)**, the learned Single Judge has held that the object of the scheme and policy of the Government is to give financial support to deserving persons who have contributed to Health Fund Scheme and naturally it is not open to the authorities to suggest the manner of treatment or to suggest that the treatment should be undergone in a particular hospital alone which can never be the policy of the Government."

3. Applying the ratio laid down by this Court in the said judgment, this Court feels that the petitioner is entitled the relief as prayed for. Accordingly, the writ petition is allowed and the impugned order passed by the second respondent dated 04.01.2016, is set aside and the respondents are directed to consider the petitioner's claim for medical reimbursement towards the medical expenses incurred by the petitioner and pass orders on merits, determining the actual amount spent by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of Finance (Salaries)
Fort. St. George, Secretariat, Chennai-600 009.

<https://hcservices.accounts.gov.in/hcservices/>
2. The District Collector,
Dindigul District, Dindigul.



3.The Joint Director of Health (Welfare)
Dindigul District, Dindigul.

4.The Sub-Treasury Officer,
Nilakottai Taluk, Dindigul District.

+1cc to M/s.K.Sudalayandi, Advocate in SR.No.31874
+1cc to Special Government Pleader in SR.No.31864

SDF/SK-SKN/29.06.2016/4P/7C

W.P (MD) No.2595 OF 2016

21.06.2016