



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.5522 of 2016

WEB COPY

S.Sourmohideen

... Petitioner

Vs.

1.The Director of Pension,
259, Anna Salai, 3rd Block, 2nd Floor,
Teynampet, Chennai 600 006.

2.The District Collector,
Ramanathapuram.

3.The Joint Director,
Welfare Department (General),
Ramanathapuram.

4.The Treasury Officer,
Treasury Office,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent dated 17.11.2015 which was communicated by the third dated 19.01.2016 bearing na.Ka.No.1154/Pa2/2015 and consequently 4th respondent's letter dated 27.01.2016 bearing O.Mu.10618/2015/G5 and quash the same and direct the respondents to reimburse the medical expenses incurred by the petitioner to a sum of Rs.1,51,057/- along with 12% interest to the petitioner herein.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.M.Murugan

Government Advocate

ORDER

Mr.M.Murugan, learned Government Advocate takes notice for the respondents. By consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing on either side.

3.The petitioner is working as the Superintendent in the Director of Agricultural Department and he retired from service on 31.07.2006. The New Health Insurance Scheme, 2014, was introduced by the Government to provide health care assistance to the



pensioners (including spouse)/Family pensioners through the United India Insurance company Limited, Chennai. The petitioner is also incorporated in the said scheme and he has been paying his contribution periodically.

WEB COPY 4. While so, the petitioner sustained injuries and he was admitted in Venkateshwara Hospital as an emergent case and he underwent surgery and he incurred Rs.1,51,057/- towards hospital fees. After discharge, the petitioner made an application for settlement of medical claim to the respondents and he made a representation to the District Treasury Officer also. However, it was stated that the hospital, in which he underwent treatment, is not listed as per G.O. No.171 dated 26th June 2014 and hence, his claim was rejected. The said order is now challenged by the petitioner stating that the object of the medical claim policy is to give financial support to the deserving person, who had contributed to the Health Fund Scheme. While that being so, the respondents should not have rejected the claim of the petitioner on the ground that he had not taken treatment in the approved hospital.

5. In similar cases, this Court has held that a person struggling for life cannot be expected to search for a recognized hospital to save his life when he requires immediate medical assistance. Therefore, the authorities have got no right to reject the claim of the petitioner for reimbursing on the sole ground that the petitioner had not taken treatment in the approved hospital.

6. The learned counsel for the respondent also agrees that the petitioner is entitled to for reimbursement as this court has taken the same view in that regard.

7. Considering the case of the petitioner, the impugned order dated 17.11.2015 which was communicated by the third respondent on 19.01.2016 bearing Na.Ka.No.1154/Pa2/2015 and the consequential letter of the fourth respondent bearing O.Mu.10618/2015/G5 dated 27.01.2016 are set aside and the respondents are directed to reimburse the medical expenses incurred by the petitioner along with interest and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order.

8. The writ petition stands disposed of accordingly. No costs. Consequently, connected M.P is closed.

Sd/

Assistant Registrar (CS II)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To,

1.The Director of Pension,
259, Anna Salai, 3rd Block, 2nd Floor,
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Ramanathapuram.

3.The Joint Director,
Welfare Department (General),
Ramanathapuram.

4.The Treasury Officer,
Treasury Office,
Ramanathapuram.

+1cc to M/s.R.Saravanan, Advocate SR.No.15704
+1cc to Special Government Pleader in Sr.No.16712

CN/AN-MP/4.4.2016/3P-7C

W.P(MD)No.5522 of 2016

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