

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.7020 of 2017

K.Revathi

.. Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep. by its Secretary,
Finance (Salaries) Department,
Fort St.George, Chennai-9.
- 2.The Director of Treasuries & Accounts,
Saidapet, Chennai-15.
- 3.The Director of Medical & Rural
Health Services, D.M.S. Compound,
Teynampet, Chennai 600 006.
- 4.The District Collector,
Thiruppur,
Thiruppur District.
- 5.The United India Insurance Co. Ltd.,
Divisional Office,
First Floor, Silingi Building,
134, Grems Road, Chennai 600 006.
- 6.MD Indian Health Care Services (TPA) Pvt. Ltd.,
Regional Office,
No.27/7, Lakshmi Towers,
3rd Floor, Dr.R.K.Salai, Mylapore,
Chennai-4.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration to declare that the Tamilnadu Government New Health

Insurance Scheme 2012 notified in G.O.Ms.No.243, dated 29.06.2012 and G.O.Ms.No.241 dated 24.08.2016 issued by the first respondent, in so far as restricting the members of the scheme and their family members taking treatment only in the hospitals included in the approved list and not providing for reimbursement of medical expenses and the consequential orders of rejection dated 3.6.2016 issued by the fourth and sixth respondents refusing to allow reimbursement of medical expenses incurred by the petitioner, on the ground that there is no provision for reimbursement in the scheme and also on the ground that there is no provision for getting reimbursement if the treatment is taken in a hospital which is not included in the approved list as unconstitutional, arbitrary and unreasonable and consequently direct the respondents to reimburse the petitioner forthwith a sum of Rs.3,64,655/- which she has incurred towards treatment and surgery expenses which she incurred for giving life saving and emergency treatment to her husband together with interest.

For Petitioner: Mr.R.Krishnaswamy

For Respondents: Mr.P.Senthilvel
Government Advocate for R1 to 4
Mr.P.Sankaranarayanan for R5

O R D E R

Heard both sides.

2.The petitioner's claim for reimbursement of medical expenses was denied on the sole reason that she has taken treatment in a hospital not included in the approved list. In other words, the contention of the respondents is that the hospital, wherein the petitioner took treatment is a non network hospital. Though such contention was raised against the petitioner, the learned counsels appearing for the contesting respondents fairly submitted that the issue involved in this case is already considered and decided against these respondents in several cases, out of which, a recent decision is made in 2016(3) CTC 494, N.Raja vs The Government of Tamilnadu. In fact, myself has considered this and found that such reason cannot be a ground to reject the claim and the said decision is reported in Manu/TN/2083/2013, A.Nagoor Pitchai vs. State of Tamilnadu.

3.Considering the above stated facts and circumstances and in view of the fact that the issue involved in this case is

squarely covered in the earlier decisions of this court stated supra in favour of the petitioner, this writ petition is allowed and the State Government is directed to reimburse the medical expenses claimed by the petitioner to the extent of the amount, which she is entitled to. Such exercise shall be done by the respondents within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vri

To

- 1.The Secretary,
The State of Tamilnadu,
Finance (Salaries) Department,
Fort St.George, Chennai-9.
- 2.The Director of Treasuries & Accounts,
Saidapet, Chennai-15.
- 3.The Director of Medical & Rural
Health Services, D.M.S. Compound,
Teynampet, Chennai 600 006.
- 4.The District Collector,
Thiruppur,
Thiruppur District.

+ 1 cc to M/s.V.Ajoy Khose Advocate,SR.83988

+ 1 cc to Mr.P.Sankaranarayanan Advocate,SR.84070

+ 1 cc to The Govt.Pleader, SR.84386

GJII(CO)
NR 13/12/2017

W.P.No.7020 of 2017