

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.15613 of 2017

Parimala

Petitioner

vs.

- 1 The Government of Tamil Nadu
represented by its Secretary
School Education Department, Chennai
 - 2 The District Elementary Education Officer
Namakkal
 - 3 The Assistant Elementary Education Officer
Erumapatty Post, Namakkal District
 - 4 MD India Health Services (TPA) Pvt. Ltd.
Chennai, by its Project Director
27/7 Lakshmi Towers
Dr. Radhakrishnan Salai, Chennai 600 004
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to reimburse the amount spent by the petitioner for her operation in Sagar Hospital at Bengaluru as per the Health Care scheme.

For petitioner Mr. S. Muthukrishnan

For RR 1 to 3 Mr. P. Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for respondents 1 to 3. With the consent of the learned counsel for the petitioner and the learned Additional Government Pleader, this writ petition is taken up for final disposal, at the admission stage itself. Since the fourth respondent is only a formal party, notice to the fourth respondent is dispensed with.

2 This writ petition has been instituted seeking a writ of mandamus directing the respondents to reimburse the amount spent by the petitioner towards undergoing surgery in Sagar

Hospital at Bengaluru as per the Health Care scheme.

3.1 The petitioner is working as Headmistress in Bharathi Aided Elementary School, Reddiapatty Post, Namakkal District. The first respondent promoted a Health Insurance Scheme for the benefit of all the teaching and non teaching staff working in the Government and Government aided schools in Tamil Nadu and in this regard, the first respondent entered into an agreement with the fourth respondent.

3.2 The petitioner, who is the Headmistress of the aforesaid school, being one of the members of the scheme, was issued with I.D. Card No.NMK/01/SB421/NHIS16/111209. As per the scheme, a sum of Rs.150/- has been deducted from her salary every month for a maximum coverage of Rs.7 lakhs for the medical treatment. Since she was suffering from headache for 17 long years, she was advised to undergo a surgery in brain in Sagar Hospital, Bengaluru.

3.3 Accordingly, she got the surgery performed on 27.01.2017 expending a sum of Rs.5,33,136/-. Besides the surgery expenses, the petitioner had to spend nearly Rs.1.50 lakhs for transport and other incidental expenses.

3.4 Being eligible for reimbursement of the medical expenses, the petitioner made an application to the fourth respondent on 25.02.2017 claiming a sum of Rs.5,33,136/- incurred by her towards surgery, in response to which, she got a reply from the fourth respondent stating that the hospitals approved by the insurance company/third party administrator under the scheme alone, should be approached for availing assistance. Since the said stand of the fourth respondent is wrong, the petitioner has addressed a representation dated 02.05.2017 to the second respondent seeking reimbursement of the amount expended by her for surgery in Sagar Hospital, Bengaluru, as per the Health Care Scheme. While the petitioner's representation dated 02.05.2017 is still under consideration, she has approached this Court seeking the aforestated relief.

4 The learned Additional Government Pleader submitted that when the petitioner has taken treatment in a hospital not listed in the schedule issued by the Government, she is not entitled to get reimbursement of the medical expenses incurred by her.

5 The aforesaid submission of the learned Additional Government Pleader is wholly unsustainable, inasmuch as, this Court has consistently held that where a Government servant has taken treatment even in a hospital which is an unlisted one or has taken treatment even for an ailment which is not a listed one, the State Government is obliged to meet the expenditure by

duly reimbursing the amount which the Government servant is entitled to, as per rules.

In such view of the matter, this writ petition is allowed with a direction to the official respondents to reimburse the amount expended by the petitioner towards the surgery at Sagar Hospital, Bengaluru, within a period of eight weeks from the date of receipt of a copy of this order. Costs made easy.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary
School Education Department
Government of Tamil Nadu
Chennai
- 2 The District Elementary Education Officer
Namakkal
- 3 The Assistant Elementary Education Officer
Erumapatty Post
Namakkal District

+1cc to Mr.M.Sridhar,Advocate sr.43671

+1cc to the Government Pleader sr.43785

rj(co)
ss(7/7/2017)

सत्यमेव जयते

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