



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P. (MD) No.14346 of 2014

S. Sivakumar

: Petitioner

Vs.

1. The Joint Director of Health and Rural Services,
Virudhunagar.

2. The District Collector,
Virudhunagar District @ Virudhunagar.

3. United India Insurance Company Limited,
rep. by its Divisional Manager,
Divisional Office VI,
PLA Ratna Towers, 5th Floor,
Anna Salai, Chennai - 600 006

: Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certioraified Mandamus to call for the records passed by the first respondent herein Na.Ka.No.1383/Maku/2014 dated 09.07.2014 and quash the same and consequently direct the respondents herein to reimburse the medical expenses claimed by the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr. M.P. Padmavathy

For Respondents 1 and 2 : Mr.A. Muthukaruppan,
Additional Government Pleader

For respondent No.3 : Mr. M. Saravanakumar

O R D E R

The petitioner is aggrieved against the proceedings dated 09.07.2014 issued by the first respondent wherein and whereby his request for medical reimbursement was rejected on the ground that the hospital in which he took the treatment is not coming under the listed hospitals. In other wards, the first respondent has chosen to reject the claim of the petitioner by holding that the hospital in which he took treatment is a non net work hospital.



2. The first respondent filed counter affidavit reiterating the contentions raised in the impugned order.

3. Heard the learned counsel appearing for the petitioner and learned learned counsel appearing for the respondents and perused the materials placed before this Court.

4. The issue involved in this case is as to whether the respondents are entitled to deny the claim for a medical reimbursement solely on the ground that hospital in which the treatment was given is not falling under the listed hospitals or it is a non net work hospital.

5. Such issue is no more res intergra since the same was already considered by this Court in very many cases and decided against the respondents and in favour of the respective writ petitioners. One such order was made in W.P(MD).No.8449 of 2007 dated 25.09.2013, wherein this Court after considering the earlier orders of this court reported in **E. Ramalingam Vs. The Director of Collegiate Education and Another (2006) 3 MLJ 641** and unreported decision made in W.P.No.2714 of 2007 (T), (O.A.No.5757 of 2001) dated 04.11.2011 observed at Paragraph Nos.5 and 6 as follows:-

"5. .. When a person is struggling for life and when his family members want to save his life, no body would search for a recognized hospital for future medical reimbursement. It is not the case of the respondents that no surgery was performed. Having admitted that heart surgery was performed, the respondents are not correct in refusing to reimburse the medical expenses.

6. The very purpose of the health scheme is to help the ailing employees particularly when they are faced with major problems such as Heart Surgery, etc., In a similar circumstances, this court in K.Mani vs. Secretary to Government, Health and Family Welfare Department, Chennai and others (2007(3) MLJ 34) and Mr. K. Balaswami Vs. Director of Pension, Chennai and Antother (2007(3) MLJ 385), held that medical reimbursement should not be denied on the ground that the petitioner failed to undergo heart surgery in the hospital recognized by Government of Tamil nadu."

6. The above decision was subsequently followed by another learned Judge of this Court in W.P(MD).No.14585 of 2013 dated 21.01.2014.



7. Thus the above decisions are squarely applicable to the present facts and circumstances of the case and consequently, the writ petition deserves to be allowed and accordingly, the Writ Petition is allowed and the impugned order is set aside. Consequently, the respondents are directed to reimburse the medical expenses claimed by the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Joint Director of Health and Rural Services,
Virudhunagar.

2. The District Collector,
Virudhunagar District @ Virudhunagar.

+1 cc to M/s.M.Padmawathy, Advocate in SR.No. 633

+1 cc to M/s.S.K.Krishnamurthy, Advocate in SR.No. 855

+1 cc to The Special Government Pleader in SR.No. 834

trp

CSL/MV-MMS/31.01.2017 : 3P/6C

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04.01.2017