



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2017

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THE HONOURABLE MR. JUSTICE **T.S.SIVAGNANAM**

and

THE HONOURABLE MR. JUSTICE **P.VELMURUGAN**

W.A(MD)No.509 of 2017

and

C.M.P(MD)No.4392 of 2017

1. The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai-600 009.

2. The Treasury Officer,
District Treasury Office,
Madurai Collectorate Building,
Madurai.

: Appellants/Respondents

Vs.

A.Muniyandi

: Respondent/petitioner

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order, dated 24.11.2016 passed in W.P(MD) No.22479 of 2016.

Prayer in WP(MD) . 22479/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling records of the respondent i.e. the secretary to government finance pension department Chennai relating to letter No 37903/ finance pension 2016 dated 26.10.2016 and quash the same and consequently direct the respondent to sanction the eligible amount to the petitioner since claim of the petitioner cannot be rejected on the only ground that the hospital in which the petitioner undergone treatment in an unconscious condition is unapproved within a specific time frame that may be fixed by this Court.

For Appellants : Mr.V.Muruganatham,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

This appeal by the Government is directed against the order in W.P.(MD) NO.22479/2016 dated 24.11.2016. The said writ petition was filed by the respondent herein, praying for issuance of a Writ



of Certiorari to quash the order passed by the first appellant dated 26.10.2016 and to direct sanction of eligible amount for undergoing treatment in a hospital, which was not in the list of approved hospitals under the Health Insurance Scheme. The learned Single Judge took into consideration the earlier order passed by the Court in W.P.(MD)No.1175/2004 dated 14.03.2005 and allowed the writ petition setting aside the order passed by the first appellant dated 26.10.2016.

2. In our considered view, the decision taken by the learned Single Judge is perfectly in order and there are several division benches of this Court, which held that the claim towards the payment of expenses for the treatment taken by the person covered by the Health Insurance Scheme cannot be denied solely on the basis that the hospital, where the concerned person took treatment was not in the list of approved hospitals named under the Scheme. This view taken by the learned Single Judge is absolutely in order and calls for no interference.

3. In the result, this Writ Appeal fails and the same is dismissed. Consequently, connected Miscellaneous Petition is closed. No Costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai-600 009.
2. The Treasury Officer,
District Treasury Office,
Madurai Collectorate Building, Madurai.

+1cc to Special Government Pleader, SR.No. 58125

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mrn/rr