IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-03-2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.30468 of 2014
And
M.P.No.1 of 2014

K.Ramakrishnan .. Petitioner

-vs-

The Divisional Manager,
The United India Insurance Co.,
Divisional Office No.010600,
PLA Ratna Towers,
5th Floor, Anna Salai,
Chennai-600 006. .. Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in Letter No.Nil, dated 7.11.2014 on the file of the respondent herein and quash the same as illegal and direct the respondent to pay the claim of the petitioner for a sum of Rs.1,16,000/- for medical expenses to secure the ends of justice.

For Petitioner - Mr.R.Sankarasubbu

For Respondent - No Appearance

O R D E R

Heard the learned counsel for the petitioner. None appeared for the respondent.

2. The petitioner has filed this writ petition, challenging the rejection to settle his claim of medical insurance on the ground that the petitioner has taken up his treatment in an unapproved hospital. However, it is not disputed that the petitioner is covered under the Health Insurance Scheme.

3. The case of the petitioner is that since he had met with an accident and was taken to a nearby hospital to get treatment , even if the same is not an approved one, the Insurance Company cannot deny afford to settle the claim on that ground. The same can be visualised from the Government Order in G.O.Ms.No.202, Finance (Salaries) Department, dated 30.6.2016,

which was issued subsequently indicating that in such a situation, the treatment in a Non-Network Hospital is also reimbursable. As stated, in spite of notice, none has appeared for the respondent-Insurance Company.

4. A perusal of the aforesaid Government Order would go to show that the coverage of medical assistance under the Scheme shall be extended to accident cases even if the patient got approved treatment/undergone surgery in a non-network hospital, as contained in Clause 4(v) of the said Government Order.

5. However, the policy as was in existence on the date does not cover such cases. But considering the difficulties and urgency of the matter the treatment was taken and also cover subsequent cases vide the Government Order quoted supra, it is directed that the respondent-Insurance Company shall reimburse such claim to the extent permissible, if the petitioner has taken approved treatment covered under the policy and in turn claim the amount reimbursed from the Government. Needless to say that the respondent-Insurance Company shall settle such claim within three months of production of copy of this order.

6. With the aforesaid order, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed. However, this order should not be treated as a precedent in future.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn
To
The Divisional Manager,
The United India Insurance Co.,
Divisional Office No.010600,
PLA Ratna Towers,
5th Floor, Anna Salai,
Chennai-600 006.

+1cc to Mr.R.Sankarasubbu, Advocate Sr.No.23879

SJ(CO)
sm:15.5.2018

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