

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1514 of 2018
and
C.M.P.No.12150 of 2018

1. The Government of Tamil Nadu
rep. by its Secretary,
School Education Department,
Chennai.
2. The District Elementary Educational
Officer, Namakkal.
3. The Assistant Elementary
Educational Officer,
Erumapatty Post,
Namakkal District.

... Appellants/Respondents 1 to 3

Versus

1. Parimala
2. MD India Health Service
(TPA) Pvt. Ltd., Chennai
rep. by its Project Director,
27/7, Lakshmi Towers,
Dr.Radhakrishnan Salai, Chennai-4.

...Respondents/Petitioner/4th respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.6.2017 passed in W.P.No.15613 of 2017 on the file of this court.

W.P.No.15613 of 2017

Writ Petition filed under Article 226 of the constitution of India seeking writ of Mandamus directing the respondents to reimburse the amount spent by the petitioner for his operation in Sagar Hospital at Bangaluru as per the Health Care Scheme

For appellant : Mr.C.Munusamy,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants.

2. The writ appeal is filed by the State against the order passed by the learned Single Judge in allowing the writ petition and thereby directing the appellants to reimburse the amount spent by the first respondent herein for her surgery in Sagar Hospital, Bangaluru as per the Health Care Scheme.

3. It appears that the first respondent, working as Headmistress in Bharathi Aided Elementary School, Reddipatty Post, Namakkal District, who is covered under the Health Insurance Scheme of the Government to the extent of Rs.7,00,000/- in tie up with the second respondent herein, had underwent a surgery in Brain at Sagar Hospital, Bangaluru for her prolonged ailment of headache, as advised by the Physician, but, since the reimbursement claim made by her to the tune of Rs.5,33,136/- was rejected, she had come up with the writ petition.

4. It appears that the claim of reimbursement has been rejected on the ground that the hospital where the first respondent herein had underwent surgery is not within the coverage of the Health Insurance Scheme.

5. On perusal of the order impugned in the writ appeal, we are of the view that the learned Single Judge has rightly held that the 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 is entitled to. Indisputably, the employee concerned is covered under the Health Insurance Scheme and the scope of the scheme cannot be a commercialized one but, to take care of the health of the Government employee. Therefore, the Government employee cannot be blamed for having taken a specialised treatment for the ailment by finding where it could be available. If at all, any fake or exaggerated claim or unauthentic bill is submitted, that can be rejected or the claim can be reduced to that extent. The hospital where the first respondent herein had taken treatment and underwent surgery, viz., Sagar Hospital, Bangaluru is also a reputable one. If required, the authority can address

the hospital management to find out whether the said Hospital is covered under the Health Insurance Scheme for the Government employees of Karnataka and even if it is no so, they can seek clarification with regard to genuineness of the present claim, but, they cannot, altogether, reject the claim for the technical reason that the hospital is not covered under the Scheme so as to defeat the scope of the scheme.

6. In view of the above, we do not find any scope for interference with the order passed by the learned Single Judge. Accordingly, the writ appeal is disposed with the above observation. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Government of Tamil Nadu
rep. by its Secretary,
School Education Department,
Chennai.
2. The District Elementary Educational
Officer, Namakkal.
3. The Assistant Elementary
Educational Officer,
Erumapatty Post, Namakkal District.

+1cc to the Government Pleader, S.R.No.49419

W.A.No.1514 of 2018

GJ(CO)
GSP(30/08/2018)

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