

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.98 of 2018

S.Sarojini

... Petitioner

Vs.

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

2.The Commissioner/Director of
Treasuries and Accounts,
No.1, Jeenis Road,
Panagal Building, Saidapet,
Chennai-600 015.

3.United India Insurance Company Limited,
24, Whites Road,
Chennai-600 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to take appropriate action on the petitioner representation dated 11.11.2017 and to direct the respondents 1 and 2 to sanction the eligible amount, since the petitioner claim cannot be rejected on the only ground that the hospital in which the petitioner deceased husband undergone treatment in an unconscious condition is unapproved, within a specific time frame that may be fixed by this Court.

For Petitioner : M/s.S.Kumaradevan

For Respondents : Mr.R.S.Selvam,
Government Advocate for R1 and R2

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the second respondent to take appropriate action on the petitioner's representation dated 11.11.2017 and to direct the respondents 1 and 2 to sanction the eligible amount for the period the petitioner's husband underwent treatment in the hospital.

2. The petitioner's husband was serving as Senior Draughting Officer in the office of the Assistant Executive Engineer, Public Works Department, Design Circle, Chennai and retired from service on 31.03.1997. Since the petitioner's husband suffered sudden cardiac arrest on 06.09.2016, he was taken to SRM Institute of Medical Science Hospital, Vadapalni, Chennai and admitted as a case of emergency and subsequently surgery was also performed and after undergoing treatment as in-patient, he was discharged on 11.09.2016, but unfortunately he died on the same day due to cardiac arrest. While the petitioner's husband underwent treatment at SRM Hospital, a sum of Rs.11,35,055/- was incurred towards hospital charges and medical expenditure and therefore, the petitioner approached the third respondent Insurance Company for reimbursement of medical expenses by replying upon G.O.Ms.No.171, Finance (Pension) Department dated 20.06.2014, for availing assistance under the said Scheme for Pensioners (Including spouse) / Family Pensioners. But the respondents have not come forward to consider the petitioner's representation and therefore, the petitioner prays for a direction, otherwise the petitioner and her family would be put to grave hardship and huge amount incurred towards hospital charges and medical expenditure if reimbursed, the petitioner and her family would be able to meet out their financial needs.

3. Mr.R.S.Selvam, learned Government Advocate appearing for the respondents 1 and 2 sought sufficient time for disposal of the petitioner's representation which is pending consideration.

4. In similar facts and circumstances, this Court, vide order dated 24.11.2016 made in W.P.(MD).No.22479 of 2016 [A.Muniyandi v. The Secretary to Government, Finance (Pension) Department, Secretariat, Chennai and another], has taken note of the directions passed in the earlier writ petition in W.P.No.1175 of 2004 dated 14.03.2005 and the relevant portion is extracted hereunder:

"8....I am of the considered view that considering nature and scope of the schemes, the hospitals listed in the Schedule are only illustrative in nature. It is a very curious note that in respect of the Madurai Corporation, when Apollo Hospital, Madurai has been listed for the existing employees of the Corporation the same has not been listed for the purpose of pensioners. It is also seen that even under the scheme Apollo Hospital, Chennai has been included but not Apollo Hospital in Madurai. This only shows that the list of hospital given in the annexures are only illustrative in nature and the scheme cannot be construed as if only hospitals listed should be hospitals capable of giving proper medical treatment.

9. Under such circumstances, the Writ Petition is allowed and the impugned order passed by the first respondent dated 26.10.2016 is set aside. The first respondent is directed to reimburse the claim of the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs."

5. In the light of the above cited decision, this Court directs the respondents to reimburse the claim of the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner/Director of Treasuries and Accounts,
No.1, Jeenis Road,
Panagal Building, Saidapet,
Chennai-600 015.
- 3.United India Insurance Company Limited,
24, Whites Road,
Chennai-600 014.

+1cc to Mr.S.Kumaradevan, Advocate Sr.No.954

sm:23.1.2018

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