

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09-10-2018

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.26508 of 2017

A.George Stephen

.. Petitioner

..Vs..

- 1.Government of Tamil Nadu,
Represented by its Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai-600 008.
- 2.The United India Insurance Company Ltd.,
Represented by its Divisional Manager,
5th Floor, PLA Rathna Tower,
212, Anna Salai,
Chennai-600 006.
- 3.The Director of Treasuries and Accounts,
Chennai-600 015.
- 4.The Director of Medical and Rural Health Services,
DMS Complex, Teynampet,
Chennai-600 006.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents, especially the second respondent relating to his proceedings made in Ref.NIL, dated 19.9.2016, and quash the portion of the observation, "subject to treatment taken in approved hospital for approved list procedures in G.O.Ms.No.171, Finance (Pension) Department, dated 26.6.2014" as null and void, illegal and invalid, and consequently directing the second respondent to pay forthwith to the petitioner Rs.5,74,861/- towards treatment purposes alone irrespective of the maximum amount assured for under 'New Health Insurance Scheme-2014' pursuant to G.O.Ms.No.171, Finance (Pension) Department, dated 26.6.2014 together with Rs.5,00,000/- towards compensation for the inordinate delay caused in disbursing the claim despite issuance of directives by the first respondent treating the petitioner's claim as a special one.

For Petitioner : Mr.A.Amal Raj
For Respondents-1,3 &4 : Mrs.A.Shrijayanthy,
Special Government Pleader.
For Respondent-2 : Mr.P.Sankara Narayanan

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection, rejecting the medical reimbursement claim of the writ petitioner and for a consequential direction to settle the medical reimbursement claim as per the Medical Bills submitted by the writ petitioner.

2. The learned counsel for the writ petitioner states that the writ petitioner was appointed as Assistant Professor in the Department of Collegiate Education and served about 36-1/2 years in the Higher Education Department. The writ petitioner was retired from service on attaining the age of superannuation on 31.1.2009. The writ petitioner had undergone an emergent surgery in Kerala Institute of Medical Sciences at Thiruvananthapuram. Before taking treatment in the said Kerala Institute of Medical Sciences, Thiruvananthapuram, the writ petitioner was admitted in Holy Cross Hospital, Nagercoil.

3. The learned counsel for the writ petitioner brought to the notice of this Court that the writ petitioner had taken treatment in Holy Cross Hospital, Nagercoil and the said Hospital Authorities referred the writ petitioner to go for further specialised treatment to the Kerala Institute of Medical Sciences, Thiruvananthapuram.

4. Pursuant to the reference made, the writ petitioner had undergone a surgery at Kerala Institute of Medical Sciences, Thiruvananthapuram. Thus, the writ petitioner is entitled to get the medical reimbursement meant for the treatment taken by him in Holy Cross Hospital at Nagercoil, which is an approved Hospital as per the list of approved Hospitals furnished in G.O.Ms.No.171, Finance (Pension) Department, dated 26.6.2014. As per the abovesaid list of approved Hospitals, the name of "Holy Cross Hospital, Vettoornimadam, Nagercoil-629 003" is included in Serial No.275.

5. Thus, the writ petitioner is entitled to get the medical reimbursement in respect of the treatment undergone by him in the abovesaid Hospital, namely, Holy Cross Hospital, Nagercoil. In this regard, the writ petitioner has enclosed the Discharge Summary and other Medical Bills issued by the said Holy Cross Hospital, Nagercoil. The writ petitioner had

undergone treatment in the said Holy Cross Hospital at Nagercoil from 30.12.2015 to 18.2.2016 and the details of the Bills, submitted by the writ petitioner, are extracted hereunder:-

S.No.	Details	Amount (Rs.)
01.	ICU Charges	7,500.00
02.	Nursing Charge ICU (Rs.250 x 6 Days)	1,500.00
03.	Nursing Charge (Rs.200 x 44 Days)	8,800.00
04.	Casualty Consultation	120.00
05.	Lab Charges	7,010.00
06.	Catheter Charges	275.00
07.	Intensive Visit	3,300.00
08.	Nebulization	3,450.00
09.	Oxygen Charges	4,200.00
10.	Physiotherapy	4,800.00
11.	Registration	30.00
12.	Room Charges (Rs.500 x 43 Days)	21,500.00
13.	Room Charges (Rs.600 x 6 Days)	3,600.00
14.	Special Consultation	14,600.00
15.	Treatment and Professional Charges	29,490.00
16.	X-Ray	400.00
17.	Dressing	450.00
18.	Inhalation	680.80
19.	Medicine Outside	3,300.00
20.	Medicine Hospital	71,489.00
	GRAND TOTAL	1,86,489.00

6. The learned counsel for the writ petitioner states that the writ petitioner claimed Rs.1,86,494/- in respect of the treatment taken by him in Holy Cross Hospital at Nagercoil. This being the factum of the case, the second respondent-Insurance Company ought to have considered the claim of the writ petitioner at least to the extent of reimbursing the medical charges incurred by the writ petitioner as per the Government Orders in force. But contrarily, no amount has been paid on the ground that the writ petitioner had undergone the surgery in the Hospital at Kerala, which is not the approved Hospital as per the list of approved Hospitals issued in the Government Order.

7. The learned counsel for the writ petitioner brought

to the notice of this Court that the writ petitioner had not voluntarily admitted himself in the Specialised Hospital at Kerala. The writ petitioner was taking treatment in Holy Cross Hospital at Nagercoil from 30.12.2015 to 18.2.2016 and in view of the medical opinion given by the Doctors at the Holy Cross Hospital at Nagercoil, the writ petitioner was referred to go for a surgery at Kerala Institute of Medical Sciences at Thiruvananthapuram. Thus, there is no impediment in respect of reimbursing the medical claim of the writ petitioner.

8. It is brought to the notice of this Court that the Government Order is in accordance with the provisions of the guidelines for implementation of New Health Insurance Scheme, 2008. Even the treatment taken in the unapproved Hospitals, the retired pensioners, Government Employees are entitled to get medical reimbursement by submitting an application directly to the Government.

9. Whatever it may be, the second respondent-Insurance Company ought to have settled the medical reimbursement claim of the writ petitioner to the extent for which the treatment had been taken in the approved Hospital. Thus, the writ petitioner is once again permitted to submit the Medical Bills and all other relevant documents to the second respondent-Insurance Company in respect of the treatment taken by him at Holy Cross Hospital at Nagercoil, which is the approved Hospital.

10. With reference to the Medical Bills submitted by the writ petitioner, the second respondent-Insurance Company is directed to settle the medical reimbursement claim as per the New Health Insurance Scheme. In respect of the treatment taken in the Kerala Institute of Medical Sciences, Thiruvananthapuram, the writ petitioner is permitted to submit an application to the first respondent, who in turn shall consider the same in accordance with the guidelines issued under the said Scheme and pass orders as early as possible.

11. With the above directions, the writ petition stands partly allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

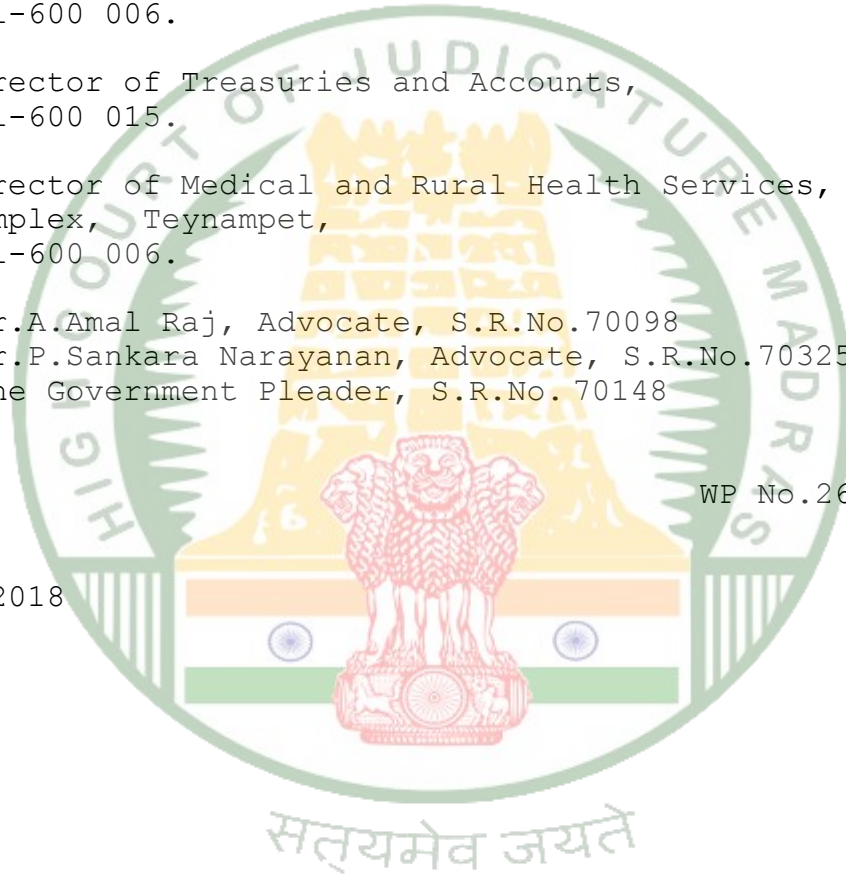
Svn

To

1. The Secretary to Government,
Government of Tamil Nadu,
Finance (Pension) Department,
Fort St. George,
Chennai-600 008.
 2. The Divisional Manager,
United India Insurance Company Ltd.,
5th Floor, PLA Rathna Tower,
212, Anna Salai,
Chennai-600 006.
 3. The Director of Treasuries and Accounts,
Chennai-600 015.
 4. The Director of Medical and Rural Health Services,
DMS Complex, Teynampet,
Chennai-600 006.
- +1cc to Mr.A.Amal Raj, Advocate, S.R.No.70098
+1cc to Mr.P.Sankara Narayanan, Advocate, S.R.No.70325
+1cc to the Government Pleader, S.R.No. 70148

WP No.26508 of 2017

GP(CO)
CS/01/11/2018



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