



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 19 of 2018

M.Mary Loui

.. Petitioner

Vs.

1. The Director of Treasuries & Accounts,
Chennai - 15.2. The District Collector,
Kanyakumari District,
Kanyakumari.3. The Sub Treasury Officer,
Kalkulam, Thuckalay Post,
Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to Reimburse Rs.1,86,026/- (Rupees one lakh eighty six thousand and twenty six only) being the Medical Expenditure incurred by the petitioner for the Major Surgery of Symptomatic Complete Heart Block at S.U.T. Hospital (A Unit of Trivandrum Specialist Hospital Limited, Trivandrum) for the period from 28.10.2017 to 04.11.2017 within a specified period, that may be fixed by this Court.

For petitioner

: Mr. S.Govindan

For respondents

: Mr. J.Gunaseelan Muthiah

Additional Government Pleader

O R D E R

Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner is a retired employee of the Education Department. She suffered heart attack on 28.10.2017, when she was in Trivendrum. Therefore, she was rushed to the nearby hospital and given a treatment. The petitioner incurred an expenditure of Rs.1,86,026/- (Rupees one lakh eighty six thousand and twenty six only).

3. The apprehension of the petitioner is that on the ground that she took treatment in a non-network hospital, her



medical expenses would not be reimbursed. It is made clear that in matters of urgency, the employee covered by the Tamil Nadu Pensioners Health Fund Scheme, 1995 can take treatment even in a non-network hospital. The present case appears to be one such. Therefore, the petitioner's request for reimbursement shall not be denied on the ground that she took treatment in a non-network hospital.

4. However, with regard to quantum, it is open to the first respondent to examine the matter and decide accordingly. Therefore a direction shall be issued to the first respondent to consider the case of the petitioner and make reimbursement for the treatment taken by the petitioner. The first respondent shall not deny the petitioner on the ground that the treatment was taken in a non-network hospital. The first respondent shall pass appropriate orders and disburse the amount concerned within a period of eight weeks from the date of receipt of a copy of this order.

5. This Writ petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Director of Treasuries & Accounts,
Chennai - 15.
2. The District Collector,
Kanyakumari District,
Kanyakumari.
3. The Sub Treasury Officer,
Kalkulam, Thuckalay Post,
Kanyakumari District.

+1cc to The Spl. Government Pleader Sr.No.49561
+1cc to Mr.S.Govindan, Advocate Sr.No.49436

KMI
VB/RSK/SAR4/09.07.2018/2P/6C

ORDER MADE IN
W.P. (MD) No. 19 of 2018
16.02.2018