

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 06.02.2018****CORAM :****WEB COPY****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.208 of 2018**

Soundrapandiyan

... Petitioner

Vs.

1.The Director of Medical Service,
DMS Office, Teynampet, Chennai.2.The District Collector,
Sivagangai.3.The Deputy Director of Health Services,
Sivagangai.3.The Authorised Person,
MD India Health Insurance
TPA Private Ltd.
United India Insurance Ltd.)
443, 445, Anna Salai,
Teynampet, Chennai.

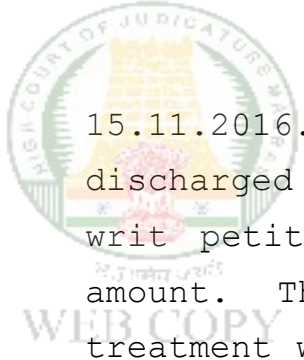
... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd respondent proceedings in No.Na.Ka.3753/M.K./2016 dated 09.10.2017 and quash the same and consequently direct the respondents to reimbursement sum of Rs.49,986/- with 18 of interest from the date of application i.e. 15.11.2016.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.M.Jeyakumar, AGP for RR1 to 3
No Appearance for R4**O R D E R**

The petitioner's son was injured in an accident on 15.11.2016. It was a case of fracture. Considering the urgency of the matter, the writ petitioner's son was rushed to a hospital known as "P.K.N. Hospital" at Karaikudi. The petitioner's son was admitted on



15.11.2016. Surgery was performed on the same day and he was discharged on 18.11.2016. A sum of Rs.45,986/- was spent by the writ petitioner. The petitioner sought reimbursement of the said amount. The petitioner's request was denied on the ground that the treatment was not given in a network hospital. The third respondent passed the impugned order dated 09.10.2017 to that effect. The same is assailed in this writ petition.

2.The learned counsel for the petitioner drew the attention of this Court to G.O.Ms.No.202 dated 30.06.2016. Clause 4 (v) of the said G.O. read as under:

"4.The Government after careful consideration directs that:-

(i)

(ii) to (iv)

(v) The coverage of medical assistance under the scheme shall be extended to accident cases where the patient got approved treatment/undergone surgery in a non-network hospital;"

3.One cannot dispute that the case on hand is squarely covered by the aforesaid provision. Merely because the petitioner's son did not take treatment in a non network hospital, reimbursement cannot be denied. The third respondent is directed to reimburse the said amount of Rs.45,986/- to the petitioner within a period of 8 weeks from today. If the said amount is not disbursed in 8 weeks as stated above, interest at the rate of 12% per annum will have to be paid by the respondents 1 to 3.

4.This writ petition is allowed with the above direction. No costs.

Sd/-
Assistant Registrar (AS)



1.The Director of Medical Service,
DMS Office,
Teynampet, Chennai.

2.The District Collector,
Sivagangai.

3.The Deputy Director of Health Services,
Sivagangai.

+1cc to M/S.RM.ARUNSWAMINATHAN, Advocate SR.No.46772.
+1cc to Special Government Pleader in SR.No.46851.

W.P (MD) No.208 of 2018
06.02.2018

Arul
SDS/MR/SAR 1/19.02.2018/3P/6C