



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**W.P. (MD) .No.2608 of 2018  
and

W.M.P (MD) No.2804 of 2018

P.K.Udhaman Mohideen

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of Finance,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai.

2.The Joint Director,  
Medical and Rural Welfare Department,  
Tirunelveli Division,  
Tenkasi,  
Tirunelveli.

3.The General Manager,  
The Tamil Nadu State Transport  
Corporation Tirunelveli Ltd.,  
Tirunelveli Region,  
Tirunelveli.

4.The United India Insurance Company,  
Rep. by its Divisional Manager,  
Divisional Office,  
PLA Rathna Towers,  
5<sup>th</sup> Floor, 212, Anna Salai,  
Chennai 600 006.

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the second respondent in A.thi.mu.No.1855/K5/2017 dated 06.02.2017 and quash the same as illegal and consequently direct the respondents 1 to 3 to reimburse the medical expenses incurred by the petitioner in connection with the treatment, within the time that may be stipulated by this Court.



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For Petitioner

:Mr.M.Mahaboob Athiff

For M/s.Ajmal Associates

For R1 and R2

:Mrs.S.Srimathy

Special Government Pleader

For R3

:Mr.K.Sathiyasingh

For R4

: Mr.A.Shajhan

**ORDER**

The petitioner is employed as Senior Ticket Inspector in the third respondent Transport Corporation. He developed a tumor in his pelvic region. He therefore took treatment in C.S.I.Jeyaraj Annapackiam Hospital, Palayamkottai in August 2014. He underwent surgery in the Venkateswara Hospital, Tirunelveli and also he incurred a sum of Rs.33,610/-. In that regard, the petitioner applied for reimbursement of the said amount. The fourth respondent declined to accept the same. Therefore, the petitioner lodged an appeal before the second respondent. The second respondent by order dated 06.02.2017, rejected the petitioner's request. The same is under challenge in this writ petition.

2.The learned counsel appearing for the writ petitioner submitted that the case on hand is squarely covered by the order dated 27.02.2017 made in W.P.(MD)No.1841 of 2015. This Court went through the said order. The writ petitioner is no doubt a member of the Insurance Scheme floated by the Government. But then, the scheme contemplates giving cashless terms. Therefore, the beneficiary under the scheme will have to take treatment only in a network hospital. Of course, if the petitioner is placed in an emergent situation or if he had met with an accident, he may take treatment in a non network hospital. This Court in a number of decisions directed reimbursement of the medical expenditure incurred by the members of the scheme. If the situation was not emergent, the person must approach only a net work hospital and take treatment. In the case of accident, one can approach a non network hospital for treatment. But the present case is not one such. Even in the affidavit, the petitioner has stated that he developed a tumor in the pelvic region. Therefore, there was nothing emergent. Of course, the case of the petitioner was serious, but there was no emergency. He could have very well approached a network hospital and taken treatment. Since, the petitioner has not complied with the terms of the scheme, he cannot seek a direction to the respondents to reimburse the expenditure. The case referred by the writ petitioner is squarely distinguishable from the case on hand. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1.The Secretary,  
Department of Finance,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai.

2.The Joint Director,  
Medical and Rural Welfare Department,  
Tirunelveli Division,  
Tenkasi,  
Tirunelveli.

+1CC to Special Government Pleader in SR.No.54890.  
+1CC to Mr.K.Sathiya Singh Advocate in SR.No.54404.  
+1CC to M/s.Ajmal Associates in SR.No.54481.  
+1CC to Mr.A.Shajahan Advocate in SR.No.54115.

RMI

DS/SKN-RSK/SAR-4 :05.07.2018: 3P/7C

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