



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3474 of 2018

G.Lalitha Bai

... Petitioner

-Vs-

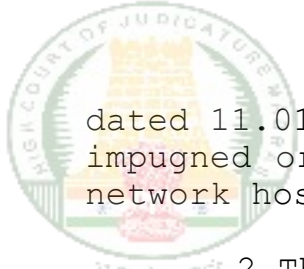
- 1.The District Collector,
Kanyakumari District at Nagercoil.
 - 2.The Joint Director of Medical & Rural Health Services,
Kanyakumari District at Nagercoil.
 - 3.The District Treasury Officer,
Kanyakumari District at Nagercoil.
 - 4.United India Insurance Company Limited,
Divisional Office, VI, V Floor,
PLA Rathna Towers,
212, Anna Salai, Chennai-600 006.
- ...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in Na.Ka.No.21977/2015/L2(15) dated 11.01.2018 passed by the third respondent and quash the same, arbitrary, illegal and without jurisdiction consequently direct the respondents to provide the medical reimbursement of Rs.1,83,096/- to the petitioner for the treatment of the petitioner's husband.

For Petitioner : M/s.M.Maria Vinola
For R1 to R3 : Mrs.S.Srimathy,
Special Government Pleader.
For R4 : Mr.A.Shajahan

ORDER

The writ petitioner is a retired Government employee. The petitioner's husband Padmaraj suffered a cardiac arrest on 31.05.2017. Since the situation was life-threatening one and emergent, he was admitted in a non-network hospital namely, Ananthapuri Hospitals at Thiruvananthapuram on the same day. He underwent treatment and a sum of Rs.1,83,096/- was incurred by the petitioner for treating her husband. She wants reimbursement of the said amount. The petitioner's request was rejected by an order



dated 11.01.2018 by the third respondent. The reason set out in the impugned order is that the petitioner took treatment in a non-network hospital.

2. This Court has held in more than one case that in a emergency situation, beneficiaries under the Government scheme can take treatment even in a non-network hospital. In this view of the matter, the order impugned in the writ petition is quashed. However, this Court cannot give a positive direction for reimbursement of the entire medical expenses incurred by the petitioner. It is for the respondents 1 and 2 to apply their standard and parameters and as per the eligible norms to pay the petitioner accordingly. Such payment will be made within a period of eight weeks from the date of receipt of a copy of this order.

3. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District at Nagercoil.
2. The Joint Director of Medical & Rural Health Services,
Kanyakumari District at Nagercoil.
3. The District Treasury Officer,
Kanyakumari District at Nagercoil.

+1cc to M/S.A. Shajahan, Advocate SR.No. 54747
+1cc to Special Government Pleader, SR.No. 54906
+1cc to M/S.A. Elis Chitra Devi, Advocate SR.No. 54465

W.P. (MD) No. 3474 of 2018
12.03.2018

myr

JM/SV MMS/SAR 4/19.04.2018/2P/7C