

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 15.03.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P (MD)No.3742 of 2018****WEB COPY**

S.Muthuraj

... Petitioner

Vs.

1. The Treasury Officer,
District Treasury,
Tirunelveli - 627 009.
2. The District Collector,
Tirunelveli District, Tirunelveli.
3. The Secretary to Government,
Finance Department, Secretariat,
Fort St.George,
Chennai - 600 009.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the first respondent in Rc.No.4347/N1/17 dated 24.07.2017 and to quash the same and consequently directing the respondents to disburse the medical reimbursement amount of Rs.2,05,807/- to the petitioner within the time.

For petitioner
For respondents

: Mr.J.Ashok
: Mr.K.Saravanan,
Government Advocate

O R D E R

Heard the learned counsel on either side.

2.The petitioner is a retired Government employee. He is a member of the New Health Insurance Scheme introduced by the Government. When he had gone to Chennai to visit his daughter, he fell down in the bath room. He suffered fractures in the bones. Considering the urgency of the situation, he was rushed to the nearby hospital. He was given treatment and he incurred an expenditure of Rs.2,05,807/-. When the petitioner made a claim for reimbursement, he was informed that since he has taken treatment in a non network hospital, his claim cannot be accepted. The said order of rejection is under challenge in this writ petition.

3.It is stated that considering the urgency of the situation, he had to take treatment in the said non network hospital. This



Court is of the view that when the circumstances are truly emergent, one cannot be in search of a network hospital for taking treatment. The relatives or friends would necessarily rush the patient to the nearest hospital.

4. Therefore, the reason for rejection of the claim made by the petitioner is liable to be set aside. The order impugned in this writ petition is quashed. The respondents are directed to apply their standard parameters and norms and quantify the amount of reimbursement to which the petitioner is eligible. It is made clear that the petitioner's case shall not be declined on the ground that he took treatment in a non network hospital. The amount of reimbursement to which the petitioner is eligible, shall be disbursed within a period of eight weeks from the date of receipt of a copy of this order.

5. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar(w)

/True copy/

Sub Assistant Registrar

To

1. The Treasury Officer,
District Treasury, Tirunelveli - 627 009.

2. The District Collector,
Tirunelveli District, Tirunelveli.

3. The Secretary to Government,
Finance Department, Secretariat,
Fort St. George,
Chennai - 600 009.

+1cc to Mr. J. Ashok, Advocate Sr.No.56028

+1cc to The Spl. Government Pleader Sr.No.55962

SKM

VB/RSK/SAR4/13.07.2018/2P/6C

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