



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.3745 of 2018

M.Shanjivi Ramanujam

... Petitioner

Vs.

1.The Principal Secretary to
Government,
Finance Department,
Secretariat, Chennai - 9.

2.The Commissioner of Treasuries
and Accounts,
Panagal Building, Saidapet,
Chennai - 15.

3.The District Collector,
Madurai District, Madurai.

4.The United India Insurance
Company Ltd,
Rep.by its the Divisional
Manager,
Divisional Office VI,
PLA Rathna Towers, 5th Floor,
No.212, Anna Salai, Chennai.

5.The Managing Director,
Tamil Nadu State Transport
Corporation, Bypass road,
Madurai - 10.

6.The District Treasury Officer,
District Treasurer, Madurai District.

... 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 rejection order passed by the fourth respondent dated 05.10.2015 and quash the same as illegal and consequently direct the respondents to pay a sum of Rs.2.00 lakhs as reimbursement for medical expenses along with interest to the petitioner on the basis of the third respondent recommendation proceedings in Na.Ka.No.E5/14625/2013 dated 21.06.2013 within time.



For petitioner
For respondents

: Mr.PR.Boomee Rajan
: Mrs.S.Srimathy,
Spl., Govt.Pleader
for R1 to R3 and R6
Mr.A.Shajakhan for R4

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O R D E R

Heard the learned counsel on either side.

2.The petitioner is working as a Clerk in the fifth respondent transport corporation. He is a member of the New Health Insurance Scheme introduced by the Government. When he was travelling in a two wheeler, he met with an accident on 05.10.2012. He suffered head injury. Considering the urgency of the situation, he was rushed to the nearby hospital, namely, PAMC (Pandian Advanced Medical Centre). He was given treatment and he incurred an expenditure of Rs.2,00,000/-.

3.It is stated that considering the urgency of the situation, he had to take treatment in the said non network hospital. The third respondent has also recommended the petitioner's reimbursement to the fourth respondent. When the petitioner made a claim for reimbursement, he was informed that since he has taken treatment in the non network hospital, his claim cannot be accepted.

4.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. 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.

5.The fourth respondent is directed to quantify the amount of reimbursement to which the petitioner is eligible. The amount of reimbursement shall be disbursed within a period of eight weeks from the date of receipt of a copy of this order.

6.This writ petition is allowed. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To



2.The Commissioner of Treasuries and Accounts,
Panagal Building, Saidapet, Chennai - 15.

3.The District Collector,
Madurai District, Madurai.

4.The District Treasury Officer,
District Treasurer, Madurai District.

+1cc to Special Government Pleader, SR.No. 55983

+1cc to M/S.PR.Boomee Rajan, Advocate SR.No. 55529

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SKM

JM/RSK/SAR 4/21.03.2018/3P/7C