



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.4049 of 2018

V.Sundar

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Department of Finance,
Secretariat, Fort St.George, Chennai.

2.The State of Tamil Nadu,
represented by its Principal Secretary,
Department of Health and Family
Welfare,
Secretariat, Fort St.George, Chennai.

3.The Joint Director,
Medical and Rural Health Services,
Ayurveda Medical College Campus,
Nagercoil, Kanyakumari.

4.The Chief Nodal Officer,
National Health Insurance Scheme-2012,
United India Insurance Company Ltd,
Divisional Office 010600,
Rathina Towers, 5th Floor,
212, Anna Salai, Chennai - 600 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to provide the Medical Reimbursement of Rs.1,82,687.78/- with the interest of 12% per annum to the petitioner from 14.03.2017 till the date of payment within the time stipulated by this Court.

For petitioner : Mr.T.Lajapathi Roy

For respondents : Mr.M.Jeyakumar,
Addl., Govt., Pleader for R1 to R3

Mr.A.Shajahan for R4

O R D E R

Heard the learned counsel on either side.

2.The petitioner is a Government employee. On 12.01.2017, while he was in duty he suffered a massive stroke. He was given treatment in Dr.Jeyasekaran Hospital. On 26.01.2017, he suffered another massive stroke. Upon sensing the need for immediate critical care by experts, he was sent to KIMS Hospital, Trivandrum. He incurred expenditure for a sum of 1,82,687/-. When the writ petitioner made a claim for reimbursement, it was denied. Therefore, the present writ petition has been filed for directing the respondents to reimburse the said amount to the petitioner.

3.The learned counsel appearing for the petitioner submits that considering the urgency of the situation, the petitioner had to take treatment in the said 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. In this case, upon advice of the experts, the petitioner had to take treatment in the KIMS Hospital, Trivandrum. The petitioner is a regular subscriber of the insurance scheme introduced by the Government.

4.Considering the facts and circumstances of the case, the respondents are directed to quantify the amount of reimbursement to which the petitioner is eligible. The same 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 accordingly. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary, Department of Finance,
Secretariat, Fort St.George, Chennai.

2.The Principal Secretary, Department of Health and Family Welfare,
Secretariat, Fort St.George, Chennai.

3.The Joint Director, Medical and Rural Health Services,
Ayurveda Medical College Campus, Nagercoil, Kanyakumari.

+1CC to Mr.A.Shajahan, Advocate, SR.No. 56032

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 55785

+1CC to the Special Government Pleader SR.No.55958

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