



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.4137 of 2018

G.Hepzi Rathinabai

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Department of Finance (Pension),
Fort St. George, Chennai - 600 009.
2. The Director of Treasuries and
Accounts,
No.1, Jeenis Road,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Collector,
Tuticorin, Tutircorin District.
4. The Joint Director of Medical
and Rural Health Services,
166, North Kadarkarai Salai,
Tuticorin - 628 001.
5. The District Treasury Officer,
329, Sivandha Kulam Road,
Near Kamaraj College,
Tuticorin - 628 003.
6. The Divisional Manager,
United India Insurance Company Ltd,
24, Ground Floor, Whites Road,
Chennai - 600 014.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents herein to disburse forthwith a sum of Rs.1,89,669/- (Rupees One Lakh Eighty Nine thousand Six Hundred and Sixty Nine Only) to the petitioner along with appropriate interest towards the medical expenses incurred towards treatment of petitioner's husband K.Dharmaraj Joseph from 02.10.2017 to 25.10.2017 in Peach Health Centre, Tirunelveli.



For petitioner : Mr.A.Ajith Geethan
For respondents : Mr.K.Saravanan,
Govt.Advocate for R1 to R5
Mr.A.Shajakhan for R6

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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. Her husband K.Dharmaraj Joseph met with an accident on 02.10.2017 and he was admitted in Peace Health Centre, Tirunelveli. The said hospital came under the network hospital as per the insurance scheme introduced by the Government. He was given treatment and the petitioner incurred an expenditure of Rs.1,89,669/-. The District Collector, Tirunelveli forwarded to the proposal to the fifth respondent regarding the petitioner's claim. Thereafter, there was no action on the part of the respondents. Hence, this writ petition came to be filed.

3.The learned counsel appearing for the petitioner submits that considering the urgency of the situation, the petitioner's husband had to take treatment by paying cash. He further submits that the petitioner's husband was given treatment in a network hospital only. Therefore, the petitioner is very much entitled to get reimbursement for the claim made by her.

4.This Court is of the view that when the circumstances are truly emergent one cannot wait for cashless treatment at the relevant point of time. Therefore, the petitioner's claim cannot be denied on the ground that her husband has taken treatment by paying cash. The respondents are directed 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.The learned standing counsel for the sixth respondent insurance company strongly opposed that unless the break-up figures and cash receipts are made available, there would be an audit objection later. The petitioner is directed to submit all the original records regarding her claim or certified copies to the sixth respondent.

6.This writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary, Department of Finance (Pension),
Fort St. George, Chennai - 600 009.

2. The Director of Treasuries and
Accounts, No.1, Jeenias Road,
Panagal Building, Saidapet,
Chennai - 600 015.

3. The District Collector,
Tuticorin, Tutircorin District.

4. The Joint Director of Medical
and Rural Health Services,
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5. The District Treasury Officer,
329, Sivandha Kulam Road,
Near Kamaraj College,
Tuticorin - 628 003.

+ 1 CC TO Mr.A.SHAJAHAN, ADVOCATE IN SR No. 55459
+ 1 CC TO Mr.A.AJITH GEETHAN, ADVOCATE IN SR No. 55793
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55963

SKM

TE/SKN-RSK/SAR-4 : 04/04/2018 : 3P/9C

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