



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4315 of 2018

J.Elizabeth Mary Rani

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai, Sivagangai District.
- 2.The Joint Director of Labour Welfare,
Sivagangai, Sivagangai District.
- 3.The District Educational Officer,
Sivagangai, Sivagangai District.
- 4.Sahayarani Girls Higher Secondary School,
represented by its Headmistress,
Soosaiyappar Pattanam,
Sivagangai -630551.
- 5.The Divisional Manager,
United India Insurance Co., Ltd.,
Divisional Office -VI,
5th Floor, PLA Ratna Towers,
No.212, Anna Salai, Chennai.

... Respondents

PRAYER : This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 5th respondent to settle and pay the medical reimbursement with interest till the date of payment of the petitioner.

For petitioner : Mr.R.Devaraj

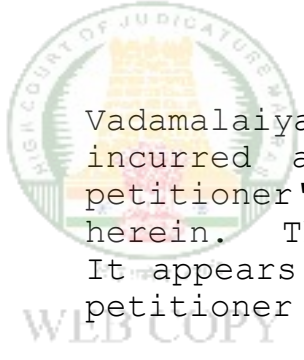
For R1 to R3 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For R5 : Mr.A.Shajahan

For R4 : No appearance

ORDER

The petitioner is a retired school Headmistress. She is a member of the Health Insurance Scheme introduced by the Government. She suffered from heart attack. Therefore she was rushed to



Vadamalaiyan Hospital, Madurai. She underwent surgery. She incurred a sum of Rs.3,06,362/- as medical expenditure. The petitioner's claim was duly recommended by the second respondent herein. The fifth respondent however has not processed the claim. It appears that the reason for such delaying the issue is that the petitioner took treatment in a non-network hospital.

2. Even though, the fifth respondent has not passed a formal order of rejection, it is made clear that the petitioner's case for reimbursement shall be denied on that ground. If a person suffers from heart attack or meets with an accident, in the very nature of things, he would be rushed to an appropriate institution which strikes the minds of the friends and relatives. They would not look for a network hospital in that emergency situation. The case on hand is one such.

3. The fifth respondent is directed to process the petitioner's claim for reimbursement and settle the same as per the eligible norms. It is true that the petitioner took treatment in a non-network hospital and the scheme is a cashless one. But such grounds shall not be put against the petitioner. However, the quantum of reimbursement will depend upon the eligibility norms. The settlement shall be made by the fifth respondent within a period of eight weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition stands allowed. No costs.
Sd/-
Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai, Sivagangai District.

2.The Joint Director of Labour Welfare,
Sivagangai, Sivagangai District.

3.The District Educational Officer,
Sivagangai, Sivagangai District.

+1CC to Mr.R.Devaraj, Advocate, SR.No. 57197

+1CC to Mr.A.Shajahan, Advocate, SR.No. 57083

+1CC to the Special Government Pleader SR.No.57330

ORDER MADE IN
W.P. (MD) No.4315 of 2018
21.03.2018