



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.563 of 2018

K.Ida

...Petitioner

Vs.

1. The Secretary to Government,
Finance (Salaries) Department,
Secretariat, Fort St.George,
Chennai.
2. The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet, Chennai-600 015.
3. The District level Committee,
Represented by Collector,
Nagercoil,
Kanyakumari District.
4. The Treasury Officer,
Nagercoil, District Treasury,
Kanyakumari District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the fourth respondent pertaining to its order bearing Na.Ka.No.21977/2015/L2(13) dated 24.08.2017 and to quash the same and consequently direct the respondents to disburse Rs.3,43,619/- with 18% interest spent by the petitioner for the treatment underwent by the petitioner's husband within a stipulated time fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

2.By consent of both the parties, the main Writ Petition



itself is taken up for final disposal.

3. The petitioner's husband is a retired State Government employee. He suffered a fall, while he was at his brother's house at Tiruvandram. He was rushed to KIMS Hospital, Tiruvandrum. He then suffered heart attack. The petitioner's husband spent a sum of Rs.3,43,619/- for the treatment and surgery undergone by him. But when a claim was made for reimbursement, the respondents took the stand that since the treatment underwent by the petitioner's husband was in a non network hospital, the plea for reimbursement was rejected. The said order is under challenge.

4. It is seen from the materials on record that the petitioner's husband had a fall and also a heart attack, when he was at Tiruvandrum. Therefore, considering the urgency of the situation, he was rushed for treatment to KIMS Hospital, Tiruvandram. The treatment under non network hospitals is allowed under certain circumstances. This Court is of the view that the case on hand would fall within such emergent situation. Therefore, the request of the petitioner cannot be negated on the ground that the treatment was taken in a non network hospitals. The impugned order is therefore quashed.

5. However, as regards the quantum of reimbursement to be made, it is made clear that the respondents shall apply the standard parameters and disburse the amount accordingly. Such disbursement shall be made within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Finance (Salaries) Department,
Secretariat, Fort St. George,
Chennai.

2. The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet, Chennai-600 015.



3. The District Collector,
District level Committee,
Nagercoil,
Kanyakumari District.

4. The Treasury Officer,
Nagercoil, District Treasury,
Kanyakumari District.

+ 1 cc TO Mr.S.C.Herold Singh , Advocate in SR No. 47788

+ 1 cc TO The Special Governmenn Pleader in SR No. 48594

tsg

AE/JC/SAR2/19.03.2018/3P/7C

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