



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2018**

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CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 962 of 2018

V.Chellappan

.. Petitioner

Vs.

1. The Director,
Medical and Rural Health Services,
D.M.S. Complex,
Teynampet,
Chennai - 600 006.

2. The Director,
Pensions,
D.M.S.Complex,
Teynampet,
Chennai - 600 006.

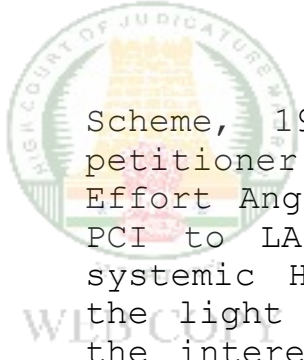
3. The District Collector,
Nagercoil,
Kanyakumari District.

4. The Joint Director,
Medical and Rural Health Services,
Nagercoil,
Kanyakumari District.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus, to call for the records pertaining to the impugned communication along with annexure therin, in Na.Ka.No.21977/2015/L2(15), dated 13.11.2017, issued by the fifth respondent herein, insofar as the petitioner is concerned and quash the same as illegal and consequently direct the respondents to reimburse the amount of Rs.2,13,715/- (Rupees Two Lacs Thirteen Thousand Seven Hundred and Fifteen only) or the Maximum amount under the "Tamil Nadu Pensioners Health Fund



Scheme, 1995", being the medical expenditure incurred by the petitioner for the treatment undergone Coronary Artery Disease-Effort Angina Class - II Coronary Angiogram-Double Vessel Disease PCI to LAD & RCA done 24.07.2017 Type - II Diabetes Mellitus systemic Hypertension, at P.R.S.Hospital, Thiruvananthapuram, in the light of the various judgment made by this Court along with the interest at the rate of 10% per annum and with cost to the petitioner.

For petitioner : Mr. C.Kishore

For respondents : Mr. J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner retired from service as Village Administrative Officer. He suffered heart attack on 24.07.2017, when he was on Thiruvananthapuram. Therefore, he was rushed to the nearby hospital and given a treatment. The petitioner incurred an expenditure of Rs.2,13,715/- (Rupees Two Lakhs Thirteen Thousand Seven Hundred and Fifteen only).

3. The contention of the petitioner is that on the ground that he took treatment in a non-network hospital, his medical expenses had not been reimbursed. It is made clear that in matters of urgency, the employee covered by the Tamil Nadu Pensioners Health Fund Scheme, 1995 can take treatment even in a non-network hospital. The present case appears to be one such. Therefore, the petitioner's request for reimbursement shall not be denied on the ground that he took treatment in a non-network hospital. The impugned order in this Writ Petition is quashed.

4. However, with regard to quantum it is open to the fifth respondent to examine the matter and decide accordingly. Therefore a direction shall be issued to the fifth respondent to consider the case of the petitioner and make reimbursement for the treatment taken by the petitioner. The fifth respondent shall not deny reimbursement to the petitioner on the ground that the treatment was taken in a non-network hospital. The fifth respondent shall pass appropriate orders and disburse the amount of a copy of this order.



5. This Writ petition is allowed accordingly. No costs.
Sd/-
Assistant Registrar(CO)

/True Copy/

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Sub Assistant Registrar

To:

1. The Director,
Medical and Rural Health Services,
D.M.S. Complex,
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Chennai - 600 006.
2. The Director,
Pensions,
D.M.S.Complex,
Teynampet,
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3. The District Collector,
Nagercoil,
Kanyakumari District.
4. The Joint Director,
Medical and Rural Health Services,
Nagercoil,
Kanyakumari District.
5. The Treasury Officer,
District Treasury,
Nagercoil,
Kanyakumari District.

+ 1 cc TO The Special Government Pleader in SR No. 49568
+ 1 cc TO Mr.C.Kishore , Advocate in SR No. 49209

kmi

AE/SKN RSK/SAR4/02.07.2018/3P/8C

ORDER MADE IN
W.P. (MD) No. 962 of 2018
16.02.2018