



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)No.832 of 2018

and

C.M.P. (MD)No.4993 of 2018

MD Indian Health Care Services (TPA) Private Ltd.,
(Unit of United India Insurance Company Ltd.),
represented through its Assistant Manager,
No.27, Lakshmi Towers, 3rd Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

... Appellant/5th Respondent

Vs.

1.P.Indra Devi

... 1st Respondent/Petitioner

2.The Government of Tamilnadu,
represented by its Secretary,
Finance (Salaries) Department,
Fort St.George,
Chennai-600 009.

3.The District Collector,
Sivagangai District,
Sivagangai.

4.The Joint Director,
Medical and Rural Health Services Department,
Sivagangai District Head Quarters,
Sivagangai District.

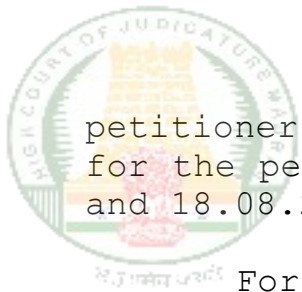
5.The Treasury Officer,
District Treasury,
Sivagangai.

... Respondents 2 to 5/Respondents 1 to 4

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent
against the order, dated 02.12.2016 made in W.P.(MD)No.23218 of
2016, passed by this Court.

Prayer in WP(MD). 23218/ 2016 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Certiorarified Mandamus, calling for the records relating to the
order passed by the 5th respondent dated Nil received by
the petitioner on 10.08.2016 and quash the same and consequently
direct the respondents to reimburse a sum of Rs.1,06,602/- to the



petitioner towards the medical expenses incurred by the petitioner for the petitioner's husbands medical treatment between 06.08.2016 and 18.08.2016 at Gunasundari Bose Hospital, Madurai.

For Appellant

: Mr.A.Shajahan

For Respondents

: Mr.G.Mohan Kumar
for R.1

:Mr.S.Angappan
for R.2 to R.5
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by M.DURAISWAMY,J.)

Challenging the order passed in W.P.(MD)No.23218 of 2016, dated 02.12.2016, the fifth respondent in the writ petition has filed the above Writ Appeal.

2. The first respondent filed the writ petition in W.P.(MD) No.23218 of 2016 to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders passed by the fifth respondent, dated Nil and to quash the same and consequently direct the respondents to reimburse a sum of 1,06,602/-(Rupees One Lakh Six Thousand Six Hundred and Two only) to the petitioner towards the medical expenses incurred by the petitioner for the petitioner's husband's medical treatment between 06.08.2016 and 18.08.2016 at Gunasundari Bose Hospital, Madurai within a time frame.

3. After contest, the learned Single Judge allowed the writ petition following the decision in *N.Raja Vs. The Government of Tamil Nadu* reported in 2016(3) CTC 394. The learned Single Judge, while allowing the writ petition, set aside the impugned order and directed the respondents to sanction and reimburse the medical expenses of Rs.1,06,602/-(Rupees One Lakh Six Thousand Six Hundred and Two only) incurred by the petitioner for the treatment of her husband with 9% interest from the date of remittance of the amount to the hospital by the petitioner till the date of payment.

4. Challenging this order, the fifth respondent vzi., MD Indian Health Care Services (TPA) Private Ltd., has filed the above Writ Appeal stating that the learned Single Judge, while allowing the writ petition, has only directed the respondents 1 to 4 in the writ petition to reimburse the medical expenses of Rs.1,06,602/-(Rupees One Lakh Six Thousand Six Hundred and Two only), however, in the order, it has been stated as though the

<https://hccpcsbarn.gov.in/services>

appellant is liable to reimburse the medical expenses.

5. The learned Counsel appearing for the first



respondent/writ petitioner has also stated that the learned Single Judge has directed only the Government viz., the respondents 2 to 5 in the Writ Appeal to reimburse the medical expenses.

6. Admittedly, as against the order passed by the learned Single Judge, the respondents 2 to 5 have not filed any appeal. Therefore, the order has become final so far as the respondents 2 to 5 are concerned. Since the writ petitioner himself has stated that the direction was given only as against the respondents 2 to 5, we are of the considered view that the order passed by the learned Single Judge can be modified to that extent. Accordingly, we modify the order passed by the learned Single Judge by directing the respondents 1 to 4 in the writ petition to sanction and reimburse the medical expenses of Rs.1,06,602/- (Rupees One Lakh Six Thousand Six Hundred and Two only) incurred by the petitioner for the treatment of her husband with 9% interest from the date of remittance of the amount to the hospital by the petitioner till the date of payment within a period of four weeks from the date of receipt of a copy of this judgment. Consequently, the appellant is exonerated from the liability to reimburse the medical expenses to the writ petitioner.

7. With these modifications, the Writ Appeal is partly allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamilnadu,
Finance (Salaries) Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The Joint Director,
Medical and Rural Health Services Department,
Sivagangai District Head Quarters,
Sivagangai District.



4.The Treasury Officer,
District Treasury,
Sivagangai.

+1cc to Mr.A.SHAJAHAN, Advocate, SR.No.69195

+1cc to Mr.G.MOHANKUMAR, Advocate, SR.No.69199

W.A (MD) No.832 of 2018
and
C.M.P. (MD) No.4993 of 2018

21.06.2018

SSL

KK/PN/SAR-2/04.07.2018/4P-7C/