

**THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 27.07.2018****CORAM:****THE HON'BLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD) No.16588 of 2018**

K.Ramachandran

... Petitioner

Vs

- 1) The State of Tamil Nadu,
Rep.by the Principal Secretary to Government,
Finance Department, Secretariat,
Fort.St.George,
Chennai-9.
- 2) The Principal Secretary to the Government,
Department of Health and Family Welfare,
Secretariat,
Fort.St.George, Chennai-9.
- 3) MD India Healthcare Services(TPA) Pvt. Ltd.,
Rep.by its Senior Manager-Operations,
Project Head-TNNHIS 2012 & 2013 Projects,
No.27, Lakshmi Towers, 3rd Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 4) Sastha Kidney & Multi Speciality Hospital
Rep.by its Managing Director,
22, 23, Telecom Nagar,
Valarnagar Road Junction,
Madurai-107.
- 5) The Joint Director,
Health and Services,
Usilampatti, Madurai

... Respondents

(5th respondent has been suo motu added by this Court, vide order dated 27.07.2018)*

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4 to provide cashless treatment for the petitioner's illness namely 'Single Structure Urethroplasty for stricture urethra' and consequently, directing the respondents No.1 to 4 to reimburse the expenses incurred by the petitioner in relation to the medical treatment undergone by the petitioner 09/01/2014 to 15/01/2014 at Apollo Speciality Hospitals, Madurai in accordance with the Tamil Nadu New Health Insurance Scheme within the time period stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner : Mr.T.Aswin Rajasimman
For Respondents : Mr.D.Muruganandham,
1&2 Additional Government Pleader.

**ORDER**

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents 3 and 4 to provide cashless treatment for the petitioner's illness namely 'Single Structure Urethroplasty for stricture urethra' and consequently, directing the respondents 1 to 4 to reimburse the expenses incurred by the petitioner, in relation to the medical treatment undergone by the petitioner 09/01/2014 to 15/01/2014 at Apollo Speciality Hospitals, Madurai, in accordance with the Tamil Nadu New Health Insurance Scheme within the time period stipulated by this Court.

2. Heard Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioner and Mr.D.Muruganandham, learned Additional Government Pleader appearing for respondents 1 & 2. Since no adverse orders are going to be passed against the third and fourth respondents, notice to both the respondents 3 & 4 are dispensed with.

3. Since the Joint Director of Health and Services, Madurai at Usilampatti would be the necessary party, to whom, the request of the petitioner for medical reimbursement has been forwarded by the Commissioner of Police Madurai, the said Authority is impleaded as one of the party suo-motu in this Writ Petition.

4. Learned counsel for the petitioner would submit that, the petitioner is a Police Constable working under the Tamil Nadu Police Subordinate Service and he has undergone cashless treatment for the illness mentioned viz., 'Single Structure Urethroplasty for stricture urethra' and in this regard, he has made a request to his employer for reimbursement under the Tamil Nadu New Health Insurance Scheme, 2016 and the said request of the petitioner dated 14.03.2018 has been forwarded to the newly impleaded respondent (i.e.,) the Joint Director, Madurai at Usilampatti on 06.04.2018 by the Commissioner of Police, Madurai, pursuant to which, no orders have been passed by the said Joint Director, Health and Services, Madurai.

5. Therefore, the learned counsel appearing for the petitioner would submit that, if a direction is given to the respondents to pass orders thereon, enabling the petitioner to avail the reimbursement for the cashless treatment taken by the petitioner under the Tamil Nadu New Health Insurance Scheme, 2016 and consider the petitioner's representation dated 14.03.2018 on merits and in accordance with law, within a time frame that may be fixed by this Court, the petitioner would be satisfied.

6. I have heard Mr.D.Muruganandham, learned Additional Government Pleader appearing for the RR 1 & 2 and as well as the learned counsel appearing for the presently impleaded respondent / Joint Director, Health and Services, Usilampatti, Madurai, who would submit that, in view of the forwarding letter issued by the Commissioner of Police, Madurai by his proceedings dated 06.04.2018,



the newly impleaded respondent (i.e.,) the fifth respondent / Joint Director of Medical Health and Services, Usilampatti would take a decision and pass orders thereon on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. Considering the said submissions made by both sides, this Court is inclined to pass the following orders:

"the fifth respondent (now has been suo motu impleaded) shall consider the request of the petitioner as forwarded by the Commissioner of Police, Madurai in டி.க.எண் /J3-17937-52-2018 dated 06.04.2018 and pass orders thereon with regard to the claim of the petitioner for medical reimbursement for the cashless treatment he has taken for undertaking the surgery and such decision shall be made by the fifth respondent within a period four weeks from the date of receipt of a copy of this order and the same shall be communicated to the petitioner."

8. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1) The Principal Secretary to Government,
State of Tamil Nadu,
Finance Department, Secretariat,
Fort.St.George,
Chennai-9.
- 2) The Principal Secretary to the Government,
Department of Health and Family Welfare,
Secretariat,
Fort.St.George, Chennai-9.
- 3) The Joint Director,
Health and Services,
Usilampatti, Madurai

+1cc to SPL.Govt.Pleader, Sr.No.75755

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.75701

STS

KM/PM/SAR3/19.12.2018/3P/6C