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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

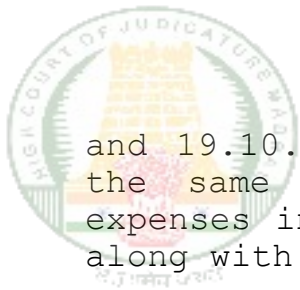
W.A. [MD].No.1072 of 2018
and
C.M.P. [MD].No.7660 of 2018

- 1.The Director of Pension,
Finance (Pension) Department,
259, Anna Salai, 3rd Block, 2nd Floor,
Teynampet, Chennai - 600 006.
 - 2.The District Collector / District Empowered Committee,
Ramanathapuram.
 - 3.The Joint Director,
Welfare Department (General),
Ramanathapuram.
 - 4.The Treasury Officer,
Treasury Office,
Ramanathapuram. : Appellants
- Vs.
- S.Karunakaran : Respondent

PRAYER: Writ Appeal filed under Order XV of the Letters Patent Act to set aside the order dated 25.11.2016 made in W.P.(MD).No.22668 of 2016.

Prayer in WP(MD). 22668/ 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 of the impugned orders passed the 2nd respondent dated 16.08.2016 and consequential orders passed by the 3rd and 4th respondents dated 06.10.2016 bearing Na.Ka.4166/Pa2/2016



and 19.10.2016 bearing O.Mu.No.9780/2016/G1 respectively and quash the same and direct the Respondents to reimburse the medical expenses incurred by the petitioners wife to a sum of Rs.2,00,000/- along with 12% interest to the petitioner herein.

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For Appellants : Mr.A.K.Baskarapandian,
Special Government Pleader
For Respondent : Mr.R.Saravanan

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

This writ appeal is filed against the order of the learned Single Judge, who was pleased to allow the writ petition by setting aside the order impugned, which was passed on the ground that claim for medical reimbursement cannot be granted if treatment was taken in a non-network Hospital.

2. Heard the learned Counsel appearing on either side and perused the documents placed on record.

3. The learned Single Judge was pleased to pass the order by placing reliance upon the earlier decisions of this Court.

4. When one's entitlement is not in dispute, coupled with the factum of treatment, reimbursement cannot be denied on a technical plea that the Hospital is not covered. After all, one has to see the object and rational behind the scheme providing for reimbursement. A person cannot wait and search for a Hospital, which is covered. What is relevant and important is the treatment which has been given. There is no dispute that treatment is covered under the scheme.

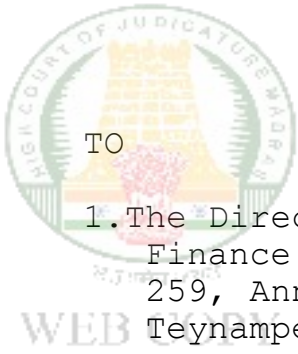
5. We do not find any error or illegality in the order passed by the learned Single Judge. This writ appeal is liable to be dismissed and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar (CS-III)



TO

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+1 CC To MR.R.SARAVANAN, Advocate SR. NO. 79395

W.A. [MD] .No.1072 of 2018
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GK

DS/SKN/SAR-III (18.09.2018) 3P 6C