



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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W.P. (MD) No.12798 of 2017

and

W.M.P (MD) No.9899 of 2017

S.Darli

.. Petitioner

Vs.

1. The Joint Director (Welfare)
Medicine & Rural Welfare Department,
Tenkasi,
Tirunelveli.
2. The Assistant Elementary Educational Officer,
Kadayam,
Ambasamuthiram,
Tirunelveli District.
3. The Proprietor,
Southern Heart Centre,
Lakshmi Hospital, Main Road,
Tirunelveli.
4. The General Manager,
United India Insurance Company,
Chennai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings in Na.Ka.No.334/A1/2017 dated -.03.2017 issued by the second respondent herein and quash the same as illegal and consequently direct the respondents 1, 2 and 4 to pay a sum of Rs.3,31,124/- incurred as medical expenses by the petitioner's husband during heart ailment.

For petitioner

: Mrs.R.Saraswathi

For respondents

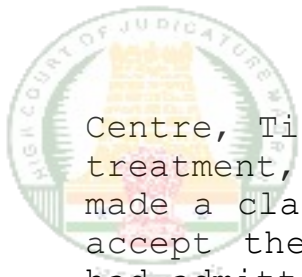
: Mr.J.Gunaseelanmuthiah

Addl. Govt. Pleader for R1 and R2

Mr.A.Shajahan for R4

ORDER

The petitioner is working as a Teacher. He is a Government employee. The petitioner's husband suffered Cardiac attack in March 2015. Therefore, he was rusted to one Southern Heart



Centre, Tirunelveli for treatment. For the petitioner's husband's treatment, a sum of Rs.3,31,124/- was incurred. The petitioner made a claim for reimbursement. The second respondent declined to accept the petitioner's claim on the ground that the petitioner had admitted her husband in a non-network hospital.

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2. But the reason assigned in the impugned order cannot be accepted. The petitioner's husband having suffered heart attack was rushed to a place where it was thought proper treatment would be given. During such emergent circumstances, the victim cannot be expected to search for or even think about a network hospital.

3. In similar circumstances, this Court consistently held that the fact that the treatment was given in a non-network hospital cannot be a reason for declining to accept the claim for reimbursement. Therefore, the impugned order is quashed. The respondents 1 and 2 are directed to apply the usual parameters and quantify the eligible amount payable to the writ petitioner and pay the same within a period of eight weeks from the date of receipt of a copy of this order.

4. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (SAR-II)

To:

1. The Joint Director (Welfare)
Medicine & Rural Welfare Department,
Tenkasi,
Tirunelveli.
2. The Assistant Elementary Educational Officer,
Kadayam,
Ambasamuthiram,
Tirunelveli District.

+1cc to Mr.A.Shajahan , Advocate Sr.No.56046

SKN

VB/PN/SAR2/25.07.2018/2P/4C

ORDER MADE IN
W.P. (MD) No.12798 of 2017
and
W.M.P (MD) No.9899 of 2017
16.03.2018