



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :05.10.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A.(MD)No.1346 of 2018

and

C.M.P(MD)No.9555 of 2018

in WP(MD).14346 of 2014

1.The Joint Director of Health and Rural Services,
Virudhunagar.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

.. Appellants / Respondents

Vs.

1.S.Sivakumar

.. Respondent / Writ Petitioner

2.United India Insurance Company Ltd.,
Rep. by its Divisional Manager,
Divisional Office VI,
PLA Ratna Towers, 5th Floor,
Anna Salai,
Chennai - 600 006.

.. 2nd Respondent /3rd Respondent

Prayer : Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P(MD)No.14346 of 2014, dated 04.01.2017 by allowing this writ appeal.

Prayer in WP(MD). 14346/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records passed by the 1st respondent herein Na.Ka.No.1383/MaKu/2014 dated 9.7.2014 and quash the same and consequently direct the respondents herein to reimburse the medical expenses claimed by the petitioner within a stipulated time as fixed by this Honble High court.

For Appellants

: Mrs.J.Padmavathi Devi,
Special Government Pleader

For R-1

: Mrs.M.Padmavathy

JUDGMENT

[Judgment of the Court was delivered by PUSHPA SATHYANARAYANA, J.]

This writ appeal is directed against the order dated 04.01.2017 passed by the learned single Judge in W.P(MD)No.14346 of 2014, wherein a prayer was sought to call for the records of the first appellant / Joint Director of Health and Rural Services, Virudhunagar in Na.Ka.No.1383/Maku/2014 dated 09.07.2014 and quash the same.

2. The said order was passed by the Joint Director of Health and Rural Services, rejecting the request of the first respondent herein for medical reimbursement for the treatment taken by him in a hospital, which according to the appellants is not coming under the listed hospitals.

3. The learned single Judge had allowed the writ petition and found that the said issue whether the treatment taken by any person is to be within the network hospital or not, is no longer *res integra* and followed the judgment in the case of *E.Ramalingam v. the Director of Collegiate Education and another* (2006) 3 MLJ 641.

4. The learned Special Government Pleader appearing on behalf of the appellants contended that the Scheme is on cashless basis and even assuming that due to emergency, the first respondent / writ petitioner had taken treatment in an unaccredited hospital, he is not entitled for reimbursement under the New Health Insurance Scheme, 2012 and he has to make an application under the Tamil Nadu Medical Attendance Rules and therefore, the order passed by the learned single may be set aside and the appeal may be allowed.

5. We have heard the submissions made on either side and perused the materials placed before us.

6. Admittedly, the treatment taken by the first respondent is not disputed or denied by the appellants. In that event, we are of the considered view that the appellants are not justified in refusing the medical reimbursement when the Scheme itself is for public welfare. It is very well known that no treatment is given in any hospital, especially, in private hospitals without payment of money. So, the argument that the Scheme is on cashless basis is unacceptable and therefore, there is no reason to interfere with the order passed by the learned single Judge.

7. In the result, the writ appeal is dismissed confirming order of the learned single Judge, dated 04.01.2017. Since it is stated by the learned Special Government Pleader that reimbursement is to be made only by the second respondent / Insurance Company, the second respondent / Insurance Company, is



directed to disburse the medical reimbursement claimed by the first respondent / writ petitioner, within a period of four weeks from the date of receipt of a copy of this judgment. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

TO

- 1.The Joint Director of Health and Rural Services,
Virudhunagar.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office VI,
PLA Ratna Towers, 5th Floor,
Anna Salai, Chennai 6.

+1 CC To M/S.M.PADMAVATHY, Advocate SR. NO. 89083

Judgment made in
W.A (MD) No.1346 of 2018
05.10.2018

PM

TR/SKN/SAR-I (27.10.2018) 3P 5C