



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22165 of 2016

A.Kanagasabapathi

..Petitioner

-Vs-

1.The Principal Secretary to Government (Expenditures),
Finance (Salaries) Department,
Secretariat, Chennai-600 009.

2.The United India Insurance Co., Ltd.,
Divisional Office VI,
5th Floor, P.L.A. Rathna Towers,
N: 212, Annasalai, Chennai-600 006.

3.The Commissioner of Treasuries and Accounts,
2nd Floor, Panagal Building, Jeenish Road,
Saidapet, Chennai-600 015.

4.The District Collector,
Virudhunagar District,
Virudhunagar.

5.The District Treasury Officer,
District Treasury,
Virudhunagar.

..Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certioraified Mandamus, calling for the records of 4th respondent pertains to the proceedings in Na.Ka.Ke.1/26314 2016 dated 26.09.2016 and quash the same as illegal and unconstitutional, consequently direct the respondents to sanction and reimburse the medical expenses incurred by the petitioner for a sum of Rs.1,79,144/- (Rupees One Lakh Seventy Nine Thousand One Hundred and Forty Four Only) within the time stipulated.

For Petitioner

: Mr.S.Balamurugan

For R1, R3 to R5

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader

For R2

: Mr.A.Shajahan

ORDER

The petitioner is a subscriber to the Tamil Nadu New Health Insurance Scheme 2014. His wife suffered cardiac arrest on 04.08.2015. Therefore, she was rushed to Velammal Medical College Hospital and Research Institute, Madurai. She was advised to undergo a surgery. She underwent such surgery and was discharged on 09.08.2017. The petitioner incurred medical expenditure to the tune of Rs.1,79,144/-. The petitioner sought reimbursement. But, the second respondent rejected the same by way of an order dated 26.09.2016 and the same is under challenge in this writ petition.

2. Heard the learned counsel on either side.

3. The case of the petitioner was actually recommended by the District Committee. But the second respondent however, took the stand that since the treatment was taken in non-network hospital, the request for reimbursement could not be granted. Incorporating the said reason, the fourth respondent by the impugned communication dated 26.09.2016 informed the same to the petitioner.

4. It is not in dispute that the petitioner's wife suffered chest pain on 04.06.2015. She was rushed to Velammal Medical College Hospital and Research Institute, Madurai. It is true that during the relevant point of time, it was a non-network hospital. But this Court has held on more than one occasion that in an emergency the affected parties cannot be expected to be searching for network hospital listed in the Government Order.

5. The claim for reimbursement was negated by the insurance company only on the ground that the treatment was taken in non network hospital. The learned counsel appearing for the insurance company submitted that the scheme and the provisions are to be strictly applied. The scheme contemplates only the cashless treatment and that too in network hospital. It does not contemplate initial spending of money by the subscriber and reimbursement later. But this Court is of the view that the case on hand is covered by the decision rendered in W.P.(MD)No.1408 of 2016 in the case of N.Raja Vs. The Government of Tamil Nadu, reported in 2016 (3) CTC 394.

6. Following the said decision, this Court quashes the order impugned in this writ petition. The respondents are directed to quantify the amount, to which the petitioner is eligible and sanction and reimburse the same within a period of six weeks from the date of receipt of a copy of this order. It is made clear that when the case of the petitioner is taken up afresh for consideration, the fact that the treatment was taken in non network hospital shall not be taken into account. This writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/



To

1.The Principal Secretary to Government (Expenditures),
Finance (Salaries) Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Treasuries and Accounts,
2nd Floor, Panagal Building, Jeenish Road,
Saidapet, Chennai-600 015.

3.The District Collector,
Virudhunagar District,
Virudhunagar.

4.The District Treasury Officer,
District Treasury,
Virudhunagar.

+1cc to M/S.S.Balamurugan, Advocate SR.No. 58087

+1cc to M/S.A.Shajahan, Advocate SR.No. 58108

W.P. (MD) No.22165 of 2016
27.03.2018

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JM/SV MMS/SAR 1/29.06.2018/3P/7C