

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5706 of 2014

ORDER:

This writ petition is filed seeking a Writ of Mandamus, directing the respondents to pay medical reimbursement as claimed by the petitioner and also to continue to provide medical coverage if the petitioner and his wife undergoes treatment in any super-speciality hospital located outside Visakhapatnam.

Heard Sri C.Raghu, learned counsel for petitioner and Sri M.Vidya Sagar, learned Standing Counsel for respondents.

It has been contended by the petitioner that he worked as a Senior Assistant with the respondents and he had obtained voluntary retirement under voluntary retirement scheme during 1999. The petitioner further submits that during August 2013, the petitioner had suffered paralytic stroke and he was admitted in Krishna Institute of Medical Sciences, Secunderabad on emergency basis. The grievance of the petitioner is that he took treatment at Krishna Institute of Medical Sciences and submitted a representation dated 23.08.2013 to the respondents to reimburse the medical expenses, but the respondents have not passed any orders on the said representation. In those set of circumstances, the petitioner got issued a legal notice on 08.11.2013, but the respondents have not passed any orders nor given any reply to the said notice. The petitioner contend that appropriate orders be passed directing the respondents to reimburse the medical expenses incurred by the petitioner while undergoing treatment at Krishna Institute of Medical Sciences, Secunderabad.

Learned Standing Counsel appearing for respondents contend that the petitioner is not entitled for medical reimbursement, as he took treatment in a hospital, which is not empanelled with the respondents. If any employee undergoes treatment with any of the hospital which is not empanelled with the respondents, the said employee should inform the respondents within 48 hours about his admission at a private hospital. Since the petitioner has not submitted original receipts, the case of the petitioner was not processed and medical reimbursement was not granted to the petitioner. As per Rules, the petitioner is not entitled for medical reimbursement as he took treatment in a hospital which is not empanelled with the respondents and the petitioner has also not informed the respondents within 48 hours about his admission in the private hospital. It is contended that there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that a perusal of the Rules i.e. Visakhapatnam Port Trust Employees (Medical Benefits After Retirement) Scheme, 2010 would disclose that the claim of the petitioner as such is not barred. The only requirement is that if any employee undergoes treatment in a hospital which is not empanelled with the respondents, the employee should inform the respondents within 48 hours about such admission in the private hospital. Only on this ground, the respondents are rejecting the case of the petitioner. Since the petitioner had suffered paralytic stroke and in emergency situation he had to be hospitalized by the family members, it would not be possible to inform the respondents within 48

hours during the distress moments of petitioner and his family members. Therefore, insisting upon them to inform the respondents within 48 hours from the time of admission into hospital, is too harsh condition.

In view of above, the respondents are directed to consider the case of the petitioner for medical reimbursement for the treatment the petitioner took in Krishna Institute of Medical Sciences, subject to the petitioner producing the original bills and receipts for undergoing treatment and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

20th December 2018

ajr

ABHINAND KUMAR SHAVILI, J

