

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.10473 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus setting aside the proceedings of the 1st respondent dated 24.2.2001 and to direct the respondents to accord sanction orders for reimbursement of the medical expenses incurred by the petitioner, as per G.O.Ms.No.175, dated 29.5.1997.

2. Heard Sri S. Khader Mohiddin, learned Counsel for the petitioner and the learned Government Pleader for Irrigation.

3. It is the case of the petitioner that while he was working as I.C. Assistant in Irrigation Department, he retired from service on 31.3.1993 on health grounds and after his retirement, he has been staying with his daughter in Bangalore. In the year 1999, he had suffered from heart attack and undergone bypass surgery at Bangalore. Thereafter, he submitted application for medical reimbursement. The respondents rejected the case of the petitioner on 24.2.2001 on the ground that the petitioner

took treatment in a private hospital, which was not recognized by the Government and he is not entitled for medical reimbursement under APMIA Rules. Hence, the present writ petition is filed.

4. Learned Counsel for the petitioner contended that similar issue fell for consideration before this Court in W.P.No.19856 of 2003 and on 22.12.2003, the Hon'ble Division Bench of this Court was pleased to pass the following interlocutory order therein:

“There is no reason why the respondents would not consider such cases where treatment on emergency basis is obtained by the patients who are otherwise entitled for reimbursement more particularly when bills are counter signed by the physician civil surgeon. Such counter-signing of the bills would atleast lead to an interference that for a patient like petitioner medicines and other treatment are genuine. There is no reason why there should be any deduction from such bills in case same are actually incurred for treatment of the patient. Of course, we are not going into the question of legality and validity of the G.O., which says that in case the treatment is without referral letter a 20% cut has to be imposed on the eligible amount.

In the circumstances, we give an opportunity to the first respondent to re-consider the case of the petitioner and pass appropriate orders within two weeks from the date of receipt of a copy of this order and submit a copy of the order on affidavit.”

Thereafter, W.P.No.19856 of 2003 was disposed of on 16th June, 2004 with the following observation:

“This order may be taken as having been passed in continuity of the last order dated 22.12.2003. We proceed to dispose of the writ petition with a direction to respondents to reconsider the case of the petitioner for reimbursement of medical expenses in the light of what has been observed in our order dated 22.12.2003 with regard to the grant of relief to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Liberty, however, is reserved to the petitioner to apply, in the event, his grievance is not met.

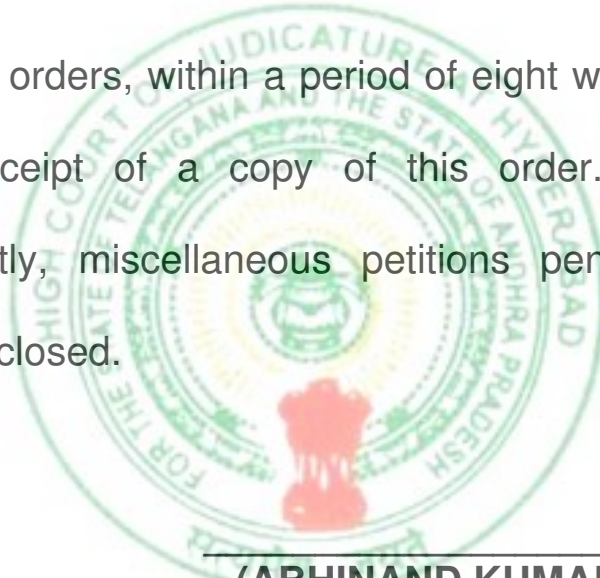
Writ Petition is, accordingly, disposed of. No costs.”

The learned Counsel for the petitioner contended that on emergency basis, the petitioner had undergone surgery in a private hospital at Bangalore, and that cannot be put against the petitioner, and the case of the petitioner cannot be denied for reimbursement.

5. The learned Government Pleader contended that as per G.O.Ms.No.175 dated 29.5.1997, medical reimbursement will be granted only to the persons, who got treatment in the hospitals recognized by the Government and therefore, the case of the petitioner cannot be considered.

6. Having considered the rival submissions made by the parties, this Court is of the view that ends of justice would be met if the respondents are directed to reconsider the case of the petitioner.

7. Accordingly, the Writ Petition is disposed of directing the respondents to reconsider the case of the petitioner in terms of the judgment of the Hon'ble Division Bench of this Court in W.P.No.19856 of 2003 dated 16.6.2004, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



(ABHINAND KUMAR SHAVILI, J)

Dated: 6th September, 2018
Nn

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.10473 OF 2002



Dated: 6.9.2018

Nn