

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4759 of 2018

R.Jayabalan

... Petitioner

-Vs-

1. The Director of Treasuries & Accounts,
Chennai - 600 035.
2. The Treasury Officer,
District Treasury,
Dharmapuri.
3. The District Collector,
Dharmapuri.
4. The Joint Director of Medical and Rural Health
Services, Dharmapuri - 4. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent, relating to the order in L.Dis. No.8243/2017/E1 dated 20.12.2017, to quash the same and to issue consequential directions to the Respondents to sanction the claim of the petitioner for reimbursement of medical expenses of Rs.1,47,981.00 on merits and in accordance with law within a limited time frame and the disburse the card amount with interest for delayed payment.

For petitioner :Mr.M.Ravi

For Respondent : Mr.D.Suriyanarayanan,
Additional Government Pleader

ORDER

The order of rejection dated 20.12.2017 rejecting the claim of the writ petitioner for medical reimbursement is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the petitioner was serving as a Senior Draftsman in the Department of Survey and Land Records and retired from service on 31.08.2001. The writ petitioner is a subscriber of the Pensioners Health Fund Scheme 2014 and he was paying the subscriptions promptly. Accordingly, the petitioner is eligible to avail the benefit of the medical reimbursement under the scheme.

3. The petitioner states that on account of a sudden heart attack on 20.11.2017, he was admitted in hospital immediately for the purpose of saving his life and he had undergone treatment in G Kuppusamy Naidu Memorial Hospital, Coimbatore. After surgery, the petitioner was discharged from hospital on 30.11.2017, remitting a total sum of Rs.1,47,981/- towards medical expenses. The writ petitioner submitted an application seeking medical reimbursement and the claim of the writ petitioner was rejected on the ground that the petitioner took treatment in an unapproved hospital for accredited treatments. Thus, the bills submitted by the petitioner was returned.

4. This Court is of the considered opinion that the reasons stated in the impugned order is unacceptable on the ground that the Courts have repeatedly held that the genuinity of the treatment of the petitioner alone is to be verified and not the hospital in which the petitioner has taken treatment. The nature of the treatment undergone by the petitioner was a heart surgery and he was admitted in the hospital on account of emergency. Thus, the rightful claim of the petitioner for medical reimbursement cannot be denied. A man in a distress may not be in a position to find out the approved hospital and get treatment. The spontaneous approach would be to admit the person in the nearby hospital for the purpose of saving his life. This being the position, the authorities competent are bound to verify the genuinity of the treatment undergone by the pensioner and not the hospital. The medical treatment and the facility are now the integral part of Article 21 of the Constitution of India and the writ petitioner being a member of the medical scheme is undoubtedly eligible to get the medical reimbursement as per his eligibility under the scheme.

5. This being the factum of the case, the impugned order passed by the second respondent in proceeding No.L.Dis 8243/2017/E1 dated 20.12.2017 is quashed. The respondents are directed to settle the medical reimbursement claim of the writ petitioner as per his eligibility and in accordance with the scheme within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mp/mbi

To

1. The Director of Treasuries & Accounts,
Chennai - 600 035.
2. The Treasury Officer,
District Treasury, Dharmapuri.
3. The District Collector,
Dharmapuri.
4. The Joint Director of Medical and Rural Health
Services, Dharmapuri - 4.

+1cc to Mr. M.Ravi, Advocate, S.R.No. 40692

+1cc to the Government Pleader, S.R.No. 39680

PA(CO)
GN(22/05/2019)

W.P.No.4759 of 2018

सत्यमेव जयते

WEB COPY