

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.10.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.30227 of 2019

Dr.N.M.Sudarsanam

... Petitioner

Vs.

The Director of Medical and Rural Health Services,
Office of the Directorate of Medical and Rural Health Services,
359, Anna Salai, Chokkalingam Nagar,
Teynampet, Chennai, Tamil Nadu 600006 ... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, by calling for the records of the respondent in OM No.7553/KP1/3/2018 dated 18.03.2019 and the consequential order passed by the respondent in OM No.6361/KP1 / 3/2019 dated 26.08.2019 and quash the same and consequently direct the respondent to reimburse the medical expenditure incurred by the petitioner towards his medical treatment for the injury sustained by him.

For Petitioner : Mr.V.Vijayashankar

For Respondent : Mr.R.S.Selvam,
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner is a senior citizen and retired as Deputy Director of Rural Health Services. Thereafter he was diagnosed with fracture neck of his femur(Rt) which required surgical intervention. Accordingly surgery was conducted in the year 2018. Having been discharged from hospital, he submitted his claim form to the Authorities for reimbursement of medical expenditure incurred by him. But the respondent rejected the same on the ground that the treatment taken by him was in the non network hospital. Thereafter he preferred an appeal before the Committee, which was also rejected. Challenging the said order, the petitioner has filed the present petition.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that though appeal remedy is available before the High Level Empowered Committee, however the petitioner may be permitted to make an appeal before the High Level Empowered Committee within a reasonable time and direction may also be given to the authority concerned to pass orders on the same within a reasonable time.

5.Though the Division Bench of this Court has categorically held if taking treatment in the non network hospital is the reason for rejection of medical claim, the State Government has to pay necessary medical claim amount, however the petitioner is permitted to make an appeal before the High Level Empowered Committee within a period of two weeks from the date of receipt of copy of this order and the authority concerned is directed to pass orders on the same within a period of eight weeks thereafter on merits and in accordance with law.

6.With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS I)

/true copy/

Sub Asst. Registrar

lok

To

The Director of Medical and Rural Health Services,
Office of the Directorate of Medical and Rural Health Services,
359, Anna Salai, Chokkalingam Nagar,
Teynampet, Chennai, Tamil Nadu 600006

+1 cc to M/s.V.Vijayasankar Advocate sr89274

+1 cc to Government Pleader sr89214

W.P.No.30227 of 2019

aa11/12/2019