



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.(MD)No.885 of 2019
and
C.M.P.(MD)No.7934 of 2019

1.The Director of Pension,
D.M.S.Complex, Thenampet,
Chennai -6.

2.The Treasury Officer,
District Treasury, Madurai. ... Appellants / Respondents

- Vs. -

P.Jeyaraman ... Respondent / Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order made in W.P.(MD)No.22096 of 2018, dated 30.10.2018.

PRAYER in W.P.(MD)No.22096 of 2018:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the 2nd respondent in Na.Ka.No.12008/2/2017/M1 dated 06.08.2018 and quash the same and consequently, direct the respondents to re-imburse Rs.2,06,902/-(limited to rupees two lakhs only) being the medical expenditure incurred by the petitioner for the treatment of fatty liver and walking imbalance at Pandian Advanced Medical Centre, Madurai, A.R.Hospital, Madurai and at P.A.M.C.Hospital, Madurai in the light of the Division Bench judgment of this Court in W.A.(MD) No.843 of 2017 dated 28.11.2017 and G.O.Ms.No.303, Finance (Pension) Department, dated 11.09.2018 within a specified period that may be fixed by this Court.

For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent : Mr.S.Govindan



J U D G M E N T

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This writ Appeal is directed against the order passed by the Writ Court made in W.P.(MD)No.22096 of 2019, dated 30.10.2018.

2.The appellant is the first respondent in the writ petition. The said writ petition was filed challenging the order rejecting the claim of the writ petitioner seeking for medical reimbursement on the ground that the writ petitioner took treatment in a non-network hospital and that he has taken the treatment by paying the amount when the scheme contemplates cashless treatment. The Writ Court, after considering the facts and circumstances and the submissions made by both parties, allowed the writ petition and set aside the impugned order, dated 06.08.2018. The Writ Court directed the concerned respondent to sanction the medical expenses incurred by the petitioner as per the eligibility criteria. Challenging the said order, the present writ appeal is filed before this Court.

3.The issue involved in this case is as to whether the claim of the medical reimbursement can be rejected on the ground that the treatment was taken in a non-network hospital was already considered and decided by this Court in very many cases, out of which recently we have also considered the same in W.P.(MD)No.19015 of 2019, dated 08.08.2019, wherein it has been observed as follows:-

"6.The issue involved in this case with regard to the treatment taken in a non-network hospital and the consequential claim for medical reimbursement is no more res-integra, in view of several decisions rendered by this Court, out of which, the recent one is reported in 2019 (2) MLJ 1 (STATE LEVEL EMPOWERED COMMITTEE v. S.PARMASIVAM). In that case also, the writ petitioner therein took treatment in a non-network hospital and that claim was rejected by the Insurance Company on that ground. The writ Court, after referring to various decisions of the Division Benches of this Court, held that the writ petitioner therein is entitled to his claim to be settled by the State Government under the Tamil Nadu Medical Attendance Rules. The writ Court thus directed the Tamil Nadu Government to sanction the medical expenses incurred by the petitioner therein as per the eligibility criteria in terms of amount under the claim along with interest at the rate of 9% p.a. The said order of the Writ Court was put to challenge before the Division Bench of this Court, which in turn passed an order, which was reported in 2019 (2) MLJ 1 (cited supra) confirming the order of the Writ Court. However, the interest awarded by the Writ Court was reduced to 7.5% p.a. instead of 9% p.a.



7.Since the issue involved in this case is covered by the above decision of the Division Bench of this Court, this writ petition is disposed of as follows:-

"The Government of Tamil Nadu shall consider the claim of the writ petitioner and sanction the medical expenses incurred by him as per the eligibility criteria in terms of the amount under the Tamil Nadu Medical Attendance Rules, with interest at the rate of 7.5% p.a. The said exercise shall be done by the first respondent Government within a period of eight weeks from the date of receipt of a copy of this order."

4.The learned Special Government Pleader fairly submitted that the issue involved in this case is covered by our order stated supra in favour of the writ petitioner herein.

5.Considering the above stated facts and circumstances, we find no ground to interfere with the order of the Writ Court. Accordingly, this writ appeal fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

TO

1.The Director of Pension,
D.M.S.Complex, Thenampet,
Chennai -6.

2.The Treasury Officer,
District Treasury, Madurai.

+1 CC to M/s.S.GOVINDAN, Advocate (SR-84436[F] dated 30/08/2019)
+1 CC to M/s.SPLGP (SR-84898[F] dated 03/09/2019)

W.A.(MD)No.885 of 2019 and
C.M.P. (MD)No.7934 of 2019
30.08.2019

RJ2

MS/16.09.2019/3P.5C