

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) .No.22610 of 2015****WEB COPY**

M.Pradeepkumar

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Represented by Secretary,
Finance (Salary) Department,
Secretariat, Fort St. George,
Chennai-9.
- 2.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai.
- 3.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office 10700,
Silingi Buildings,
134, Greams Road,
Chennai-6.
- 4.The District Collector,
Tirunelveli District, Tirunelveli.
- 5.The Chief Medical Officer,
Ananthapuri Hospital
and Research Institute,
31/1424, Chacka,
NH Bye-Pass, Thiruvananthapuram,
Kerala State.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to reimburse the Medical expense of Rs.3,22,066/- to the petitioner for taking treatment at the 5th respondent hospital from 28.09.2012 to 02.11.2012 for the disease of Viral Encephalitis (Acute myocardial infarction).

For Petitioner	: Mr.M.Antony Jesurajan
For Respondents	: Mrs.S.Srimathy
	Special Government Pleader
	(for R-1, 2 and 4)
	No Appearance (for R-3 and 5)

**ORDER**

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 4 to reimburse the Medical expense of Rs.3,22,066/- to the petitioner for taking treatment at the 5th respondent hospital from 28.09.2012 to 02.11.2012 for the disease of Viral Encephalitis (Acute myocardial infarction).

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner is working as Office Assistant, on account of his illness, the petitioner had undergone treatment. The petitioner was admitted in the fifth respondent hospital and was diagnosed with the disease of Viral Encephalitis (Acute Myocardial Infraction) during the year 2012 and he was forced to live in ventilator support and after treatment he was discharged on 02.11.2012. The writ petitioner was under treatment from 28.09.2012 to 02.11.2012 and settled the medical bills to the tune of Rs.3,22,066/- to the fifth respondent. The writ petitioner is a member of the Medical scheme and he is subscribing for the same regularly. Accordingly, the writ petitioner is entitled to avail medical reimbursement under the scheme along with the medical bills. The writ petitioner submitted an application for reimbursement of the medical amount. However, the case of the writ petitioner was not considered on the ground that the writ petitioner has not taken treatment in the approved hospital, which is listed in the Government Order. It is stated that the fifth respondent hospital is not an approved hospital as per the list of hospitals furnished in the Government Order.

3.A counter affidavit filed by the respondents 1 to 4 also reveals that the writ petitioner has taken treatment in the hospital, which is not within the network hospital provided in the Government Order. Therefore, the case of the writ petitioner was not considered.

4. This Court is of the considered opinion that medical reimbursement claim is now considered as a whole. The medical facilities are integral part under Article 21 of the Constitution of India. Thus, the authorities competent are empowered to verify the genuinity of the treatment taken by the Government servant and not the hospital. In certain emergency circumstances, the Government employees are bound to take urgent treatment, in such circumstances, they are admitted in the hospital situated nearby area and one cannot expect a person who is in emergency can get a treatment only in the listed hospital. In such circumstances, the medical reimbursement claim cannot be denied. The Courts also repeatedly held that on the ground of non-listed hospital, the claim cannot be rejected. The only verification to be done by the competent authorities is to ensure that the treatments are taken by the Government servant concerned and not the hospital. This being the repeated judgment of the Courts, this Court is of the considered



opinion that non-consideration of the claim of the writ petitioner for medical reimbursement is in violation of the legal principles settled by the Courts.

4. Under these circumstances, the respondents 1 to 4 are directed to reimburse the medical claim of the writ petitioner as per the terms and conditions of the scheme and as per his eligibility, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
State of Tamil Nadu,
Finance (Salary) Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai.
3. The District Collector,
Tirunelveli District, Tirunelveli.
4. The Divisional Manager,
United India Insurance Company Limited,
Divisional Office 10700,
Silingi Buildings,
134, Greaves Road,
Chennai-6.

+1 CC to SPL GP (SR-76343[F] dated 19/07/2019)

+1 CC to Mr.M.ANTONY JESURASAN, Advocate (SR-76179[F] dated 18/07/2019)

W.P. (MD) .No.22610 of 2015
18.07.2019