



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 13.02.2020  
CORAM  
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH  
W.P.No.3462 of 2020  
and  
W.M.P.No.4041 of 2020

M. Greeta Raja Kalyani

... Petitioner

Vs.

1.The Joint Director of Health Services,  
Villupuram,  
Villupuram District.

2.The Director of Pension,  
Integrated Finance Office Complex,  
571, Anna Salai,  
Chennai - 600 035.

3.The Sub Treasury Officer,  
Tirukovilur Taluk Office Compound,  
Thirukovilur,  
Villupuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, to call for the record of the first respondent in Letter No.5026/A3/2019, dated 06.01.2020 and quash the same, consequently direct the respondent to pay the medical reimbursement for an amount of Rs.49,244/- incurred by the petitioner.

For Petitioner : Mr. R. Sreedharan

For Respondent : Mr. P.S. Siva Shanmuga Sundaram  
Special Government Pleader.

O R D E R

By consent given by either side, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed challenging the order of rejection passed by the first respondent by his proceedings dated 06.01.2020, the claim made by the petitioner for medical reimbursement.

3. The petitioner is a retired teacher and she retired from service in the year 2001. The petitioner contribute to the General Health Insurance and the subscription is deducted



from pension every month towards insurance. The petitioner suffered heart attack and she was rushed to the hospital on 26.06.2019 the petitioner underwent emergency treatment and she was discharged from the hospital on 03.07.2019. The petitioner had to spend Rs.49,244/- towards medical expenses. This amount was paid by the petitioner to the hospital.

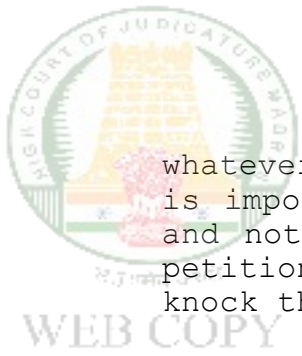
4.The petitioner thereafter made a claim for reimbursement of the amount and the same was rejected by the first respondent through his letter dated 06.01.2020 on the ground that the hospital in which the petitioner had undergone treatment is not a listed hospital. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard, Mr. R. Sreedharan, learned counsel for the petitioner and Mr. P.S. Siva Shanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondents.

6. The issue that is involved in the present writ petition is squarely covered by the judgment of this Court in W.A.(MD) No.1382/2017 dated 09.11.2017. The relevant portion of the judgment is extracted hereunder:-

"40.Be that as it may, in the present case, there is no dispute as to the factum of actual expenses incurred by the respondent/petitioner, which she claims in the writ petition. Undoubtedly, the human being is to take necessary precautionary and protective measure for his body. The payment/reimbursement of medical expenses spent by the Government servant concerned or his family is not 'Bounty', but it is an obligation of the State Government to pay/disburse the said amount in question without harping on either technicalities or hyper technicalities. As such, this Court is of the considered opinion that the Learned Single Judge was correct in directing the First Appellant/First Respondent to sanction the medical expenses incurred by the respondent/petitioner for her husband's ailment, as per the eligibility criteria in terms of the amount under the scheme and the same is free from any flaw. However, this Court is of the considered view that the interest of 9% p.a. fixed by the Learned Single Judge is slightly on the higher side and to prevent an aberration of justice and in furtherance of substantial cause of justice, this Court reduces the rate of interest from 9% p.a. to that of 6%."

7. This Court has categorically held that the medical reimbursement cannot be rejected merely based on the fact that the hospital is not a listed hospital under the annexure appended to the Government order. In cases of emergency, the patients cannot pick and choose hospitals, they have to run



whatever hospital is available at the nearest vicinity. What is important at this stage is to save the life of the person and not waste the time looking for the correct hospital. The petitioner is aged about 76 years and she has been forced to knock the doors of the Court for a sum of Rs.46,244/-.

8. In view of the above discussion, the impugned letter of the first respondent dated 06.01.2020 is hereby quashed and the respondents are directed to reimburse the medical expenses of a sum of Rs.49,244/- to the petitioner within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a representation to the respondents along with all the necessary documents and a copy of this order.

9. This writ petition is allowed, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

AT

To

1.The Joint Director of Health Services,  
Villupuram,  
Villupuram District.

2.The Director of Pension,  
Integrated Finance Office Complex,  
571, Anna Salai,  
Chennai - 600 035.

3.The Sub Treasury Officer,  
Tirukovilur Taluk Office Compound,  
Thirukovilur,  
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+1cc to the Government Pleader, S.R.No.13066

W.P.No.3462 of 2020

and

W.M.P.No.4041 of 2020

sr (CO)

smn (28/05/2020)

<https://hcservices.ecourts.gov.in/hcservices/>