

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P. No. 23068 of 2018

M.Munusamy

... Petitioner

Vs

1.The Chairman,
Chennai Port Trust,
Chennai - 600 001.

2.The Chief Medical Officer,
Chennai Port Trust,
Chennai - 600 001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second respondent to pay the entire medical claim of the petitioner to the tune of Rs.4,20,819/- within a period.

For Petitioner : Mr.R.G.Annamalai

For Respondents: Mr.Arun Pradeesh

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the second respondent to pay the medical claim made by the petitioner to the tune of Rs.4,20,819/- within a period fixed by this Court.

2. The case of the petitioner is that he was working with Chennai Port Trust from the year 1962 and he retired from service on 28.02.1997. The petitioner has availed benefits of medical claim that is in force in the Chennai Port Trust.

3. The petitioner's wife suffered a stroke in the year 2013 and therefore she was rushed to M.I.O.T. Hospital, Ramapuram for emergency treatment. She was taken to the ICU and taking into consideration the critical state, she was treated in the

hospital. When the wife of the petitioner was discharged, the said hospital had raised a bill to the tune of Rs.4,20,819/-. The petitioner had paid the entire amount and thereafter he made a claim before the respondents seeking for medical reimbursement. Since, the respondents did not reimburse the medical expenses, the present Writ Petition has been filed before this Court.

4. Mr. R.G.Annamalai, learned counsel appearing on behalf of the petitioner submitted that the petitioner is entitled for medical reimbursement and the petitioner has been made to run from pillar to post in order to get the reimbursement. Learned counsel submitted that during the pendency of the Writ Petition, the respondents have settled a sum of Rs.2,40,000/- and they have refused to settle the balance amount of Rs.1,80,819/-. Learned counsel submitted that the respondents must be directed to reimburse the balance amount also since the petitioner is a retired person and he is now aged about 81 years.

5. The respondents have filed counter in this case. In the said counter, the respondents have admitted the fact that the petitioner is a member in the Medical Reimbursement Scheme. The respondents have also admitted the fact that the petitioner had admitted his wife in the MIOT Hospital and she had undergone Five Cycle Plasma exchange during the hospitalization. It is further stated in the counter that the respondents were not satisfied with the amount that has been claimed by the petitioner and therefore, they had independently sought for clarification from three other hospitals. They found that in one other hospital, the rate for conducting such operation is much lower than claimed by the petitioner. Based on the same, the respondents have arrived at a total amount for reimbursement to the tune of a sum of Rs.2,40,919/-.

6. Learned counsel for the respondents submitted that a sum of Rs.2,40,919/- has already been paid to the petitioner and the petitioner is not entitled for the balance amount. Learned counsel submitted that this was informed to the petitioner when he was present in his office and therefore no further orders can be passed in the present Writ Petition.

7. This Court has considered the submissions made on either side and perused the entire materials available on record.

8. The admitted facts in this case are that the petitioner is a contributory to the Medical Insurance Scheme with the respondent. The wife of the petitioner suffered stroke and she was rushed to MIOT Hospital at Ramapuram and medical procedures

were conducted. The said hospital had raised a bill for a sum of Rs.4,20,819/-. This amount was also paid by the petitioner. When the petitioner made claim to the respondents for medical reimbursement, the same was kept pending and therefore the petitioner approached this Court.

9. During the pendency of this Writ Petition, the respondents had undertaken an exercise wherein they compared the rates of the same operation in other hospitals and they came to a conclusion that the rate charged by MIOT Hospital is excessive. Therefore, the respondents thought it fit to reimburse only a sum of Rs.2,40,919/- to the petitioner and according to the respondents, the petitioner is not entitled for the balance amount.

10. The respondents have undertaken an unwanted exercise in this case. The petitioner has absolutely no control over the charges claimed by any hospital. It is not as if the petitioner has boosted the amount and made excessive claim to the respondents. The concerned hospital had raised the bill for a sum of Rs.4,20,819/- and the petitioner had also paid this amount to the hospital. The respondents have compared the rates in other hospitals and have unilaterally come to a conclusion that the amount is excessive and therefore the petitioner is entitled only for reimbursement of a sum of Rs.2,40,919/-. This decision arrived by the respondents is totally illegal.

11. The Medical Reimbursement Scheme is based on the reimbursement of actual medical expenses incurred by a member. Different hospitals charge different rates and the respondents cannot deny the reimbursement of the medical expenses only on the ground that some hospital charges a lesser amount for the same operation. There is no consistency in the rates that are being charged by the hospitals for the same operation. That apart, the petitioner does not have any control over what is charged by a hospital and he has to merely pay the amount and get himself discharged from the hospital. Therefore, in the considered view of this Court, the respondents ought not have carried out this exercise and come to a conclusion that the amount claimed is excessive. If such procedure is followed by the respondents, it will become very difficult for members to get reimbursement of the medical claims.

12. One more fact to be considered is that the petitioner is aged about 81 years. At this age, it is very unfortunate that he was made to run from pillar to post from the year 2014 onwards to get medical reimbursement. Therefore, this Court rejects the claim made by the respondents to the effect that the

petitioner is only entitled for reimbursement of a sum of Rs.2,40,919/-.

13. In the result, this Writ Petition is allowed and there shall be a direction to the first respondent to reimburse the balance amount of a sum of Rs.1,80,819/- within a period of four weeks from the date of receipt of copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
Chennai Port Trust,
Chennai - 600 001.

2.The Chief Medical Officer,
Chennai Port Trust,
Chennai - 600 001.

+2cc to Mr.R.G.Annamalai, Advocate SR.2504
+1cc to M/s.AAV Partners, SR.3437

W.P. No. 23068 of 2018

PVS (CO)
CB(28/02/2020)

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