

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16666 of 2020

S.Sivaguru

..

Petitioner

vs.

1.State of Tamil Nadu,
rep. By its Principal Secretary,
Department of Health & Family Welfare,
Fort. St. George, Chennai-600 009.

2.The Project Director,
Tamil Nadu Health Systems Project (TNHSP),
II Floor, DMS Annex New Building,
No.259, Anna Salai, Teynampet,
Chennai-600 006.

3.The Project Manager,
Tamil Nadu Health Systems Project (TNHSP),
No.226, Om Shakthi Towers,
Kilpauk Garden Road, Kilpauk,
Chennai-600 010.

4.The Officer In-charge,
Subha Anandham Medical Centre,
11-A/3, Hospital Road,
Cuddalore-607 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to reimburse the medical expenses to the tune of Rs. 64,525/- (Sixty Four Thousand Five Hundred and Twenty Five Rupees only) spent towards the treatment given by the 4th respondent hospital by considering the Petitioner's representation dated 15.10.2020 in the light of the order in WP (MD) No.16566 of 2012 of this Court order dated 04.08.2014 in S.Murugan Vs. The Secretary to Government of Tamil Nadu, within time period stipulated by this Court.

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For Petitioner : Mr.V.Manikandan
For Respondents : Mr.R.S.Selvam, G.A.,

ORDER

Mr. R.S.Selvam, learned Government Advocate takes notice for the respondents.

2.The writ petition is filed by the petitioner, to direct the respondents to reimburse the medical expenses to the tune of Rs. 64,525/- (Sixty Four Thousand Five Hundred and Twenty Five Rupees only) spent towards the treatment given by the 4th respondent hospital by considering the Petitioner's representation dated 15.10.2020 in the light of the order in WP (MD) No.16566 of 2012 of this Court order dated 04.08.2014.

3. According to the petitioner, he and his family members are enrolled under the Chief Minister's Comprehensive Health Insurance Scheme, floated by the Government of Tamil Nadu by means of an agreement with M/s. United India Insurance Co. Ltd. On 11.08.2020, the petitioner sustained cut injury on the heel of his left leg and fell down in rest room. Immediately, he was admitted in the 4th respondent hospital for treatment. In the course of the treatment, he was advised by the 4th respondent doctor to take plastic surgery and surgery was performed for which he spent a sum of Rs.64,525/-. The grievance of the petitioner is that as per the Memorandum of Understanding, for the treatment given to the petitioner, whatever was the amount due on account of the treatment, should be claimed by the hospital from the third respondent/Insurance Company under the Tamil Nadu Health Systems Project. However, in his case, such course was not adopted by the fourth respondent, and instead the entire amount was collected from the petitioner. Therefore, the petitioner made a representation to the respondents on 15.10.2020 and sought for necessary action to refund the amount of Rs.64,525/-. As there has been no response till date, the present writ petition has been filed.

4. Learned counsel for the petitioner submitted that without going into the merits of the contention as raised in the grounds, it would suffice if a direction is issued to the respondents to consider his representation within a time frame fixed by this Court. It is further submitted that the very same issue was already considered by this Court in WP(MD) No.16566 of 2012.

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5. In view of the limited relief sought for, without expressing any opinion, I am inclined to issue a direction to the respondents 1 and 2, to consider the petitioner's representation dated 15.10.2020 and pass orders within a period of 12 weeks from the date of receipt of copy of this order on the basis of the order passed in W.P. (MD) No.16566/2012, in accordance with law, if otherwise in order.

6. Accordingly, this writ petition is disposed of. However in the said circumstances, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

jrs

To

1. State of Tamil Nadu,
rep. By its Principal Secretary,
Department of Health & Family Welfare,
Fort. St. George, Chennai-600 009.

+1cc to the Government Pleader SR.38233

W.P.No.16666 /2020

BP (CO)
CB(18/01/2021)



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