



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD)No.14133 of 2016

S.Kanthimathi

... Petitioner

Vs.

1. The Commissioner,
The Department of Treasuries and Accounts,
(State Level Empowered Committee for
Pensioners Medical Insurance),
Panagal Building,
Saidapet,
Chennai-600 015.

2. The Director,
The Department of Medical and Rural Health Services,
DMS Complex,
361, Anna Salai,
Chennai-600 006.

3. The District Treasury Officer,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent's committee order dated 25.05.2016 which was communicated by the second respondent's letter in O.Mu.No.51885/Kabil/3/2016 dated 16.06.2016 and quash the same and consequently direct the respondents 1 and 2 to sanction the medical reimbursement amount Rs.3,88,216/- with interest to the petitioner within the time stipulated by this Court.

For Petitioner	:	Mr.M.Mohamed Sherbudeen
For Respondents	:	Mr.M.Karuppasamy Government Advocate



O R D E R

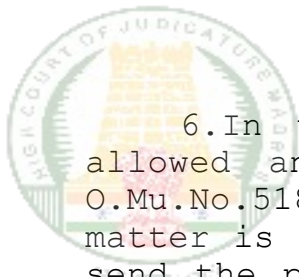
This writ petition has been filed challenging the impugned order passed by the second respondent in O.Mu.No.51885/Kabil/3/2016 dated 16.06.2016 whereby the second respondent rejected the claim of the petitioner for reimbursement of the medical expenses of Rs.3,88,216/- on the ground the treatment was taken in non network hospital. Further, in the impugned order the second respondent stated that the said rejection has been made in pursuant to the proceedings of the District Level Empowered Committee dated 25.05.2016.

2.The learned counsel appearing for the petitioner would submit that the petitioner has taken a treatment in non network hospital, which is an urgent requirement. This aspect was not considered by the respondents, while passing the impugned order. That apart, she has taken treatment from professionally qualified Doctor in the hospital and the amount spent by the petitioner is also reasonable. Therefore, he is entitled for medical reimbursement.

3.The learned Government Advocate appearing for the respondents would submit that in a batch of writ petition in W.P.(MD).Nos.21950 of 2016 etc., dated 16.12.2020, this Court has passed a detailed order with regard to the treatment taken in non network hospital how it should be treated and how it should be decided and on the same line, the order may be passed.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5.This Court has already passed an order in a batch of writ petitions in W.P.(MD).Nos.21950 of 2016 etc., dated 16.12.2020 wherever the treatment has taken in a non network hospital, the District Level Empowered Committee should pass a detailed order by taking into consideration of the necessity of the medical expense and emergency situation and that apart, the reasonable amount spent for medical expenses and the treatment provided by the qualified medical practitioner. These aspects should be considered for reimbursement of the medical claim and the respondents should not reject the claim in a mechanical manner stating that the treatment has been taken in non-net work hospital. On perusal of the impugned order, it appears that all the above aspects have not been considered by the second respondent, while passing the order.



6. In view of the above observations, this Writ Petition is allowed and impugned order passed by the second respondent in O.Mu.No.51885/Kabil/3/2016 dated 16.06.2016 is set aside and the matter is remanded back to the second respondent, who in turn shall send the particulars to the District Level Empowered Committee for fresh consideration, to pass necessary orders in the light of the order passed by this Court in W.P.(MD).Nos.21950 of 2016 etc., dated 16.12.2020. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner,
The Department of Treasuries and Accounts,
(State Level Empowered Committee for
Pensioners Medical Insurance),
Panagal Buildings,
Saidapet, Chennai-600 015.
2. The Director,
The Department of Medical and Rural Health Services,
DMS Complex, 361, Anna Salai,
Chennai-600 006.
3. The District Treasury Officer,
Virudhunagar District, Virudhunagar.

+1cc to the SPL GP SR.No.26637.

W.P (MD)No.14133 of 2016

18.12.2020

CK (CO)

CS (11.01.2021) 3P 5C