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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7019 of 2021
(Heard through VC)

P.Arumugam

.. Petitioner

-vs-

1. The Managing Director,
Indian Health Care Services (TPA) Private Ltd.,
No.27, Lakshmi Towers, 3rd Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
2. The Joint Director,
Health Care Service Centre,
Government of Tamil Nadu,
Salem District.
3. The Senior Divisional Manager,
United India Insurance Co. Ltd.,
"Renga Building", Peramanur,
Salem - 7.
4. The Branch Manager,
United India Insurance Co. Ltd.,
Branch Office-6, B.L.A. Rathina Towers,
5th Floor, Anna Salai,
Chennai - 600 006.
5. The Assistant Treasury Officer,
Sankari, Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent herein to dispose the pending appeal dated .11.2020 with reference to the covered judgment dated 05.04.2016 in W.P.No.1408 of 2016 in W.M.P.Nos.1185 & 1186 of 2016 passed by the Hon'ble High Court of Madras.



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For Petitioner : Mr.G.Thangavel
For Respondents-2 & 5 : Mr.P.Karthikeyan
Additional Government Pleader
For Respondent-4 : Mr.Sankaranarayanan

O R D E R

The petitioner has come up with the above writ petition seeking a direction to the first respondent herein to dispose the pending appeal dated 10.11.2020 with reference to the covered judgment dated 05.04.2016 in W.P.No.1408 of 2016 and W.M.P.Nos.1185 & 1186 of 2016 passed by this Court.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice on behalf of the respondent Nos.2 and 5. Mr.Sankaranarayanan, learned counsel takes notice on behalf of the respondent No.4. Notice to respondent Nos.1 and 3 is dispensed with, as no adverse order is going to be passed against them.

3. By consent of the respective parties, the writ petition is taken up for final disposal at the admission stage itself.

4. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that the issue is covered by the decision of this Court in W.P.No.1408 of 2016 dated 05.04.2016 and the said submission has not been refuted by the learned Additional Government Pleader appearing for the respondent Nos.2 and 5. For the sake of convenience, the relevant paragraphs are extracted below:

"In the above said decision, the learned Single Judge of this Court, by following the decision of the Division Bench, has given direction to the State Government to reimburse the amount. Keeping the said decision, I have carefully gone through the factual aspects of this case. In the instant case also, in the emergent situation, it is not possible for the petitioner's wife to search for the list of network hospital. Under such circumstances, the above said decision is squarely applicable to the present facts of the case also.

7.Hence, applying the above said decision, this Court directs the 1st respondent to sanction and reimburse the medical expenses incurred by the



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petitioner for his treatment, with 9% interest from the date of remittance of amount to the hospital by the petitioner till the date of payment, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. Consequently, connected Miscellaneous Petitions are closed. No costs."

5. Following the said judgment, a direction is issued to the respondent Nos.2 and 5 to grant the relief sought for by the petitioner and sanction the medical reimbursement incurred by the petitioner along with interest, within a period of 120 days from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Managing Director,
Indian Health Care Services (TPA) Private Ltd.,
No.27, Lakshmi Towers, 3rd Floor,
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2. The Joint Director,
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Branch Office-6, B.L.A. Rathina Towers,
5th Floor, Anna Salai,
Chennai - 600 006.



5. The Assistant Treasury Officer,
Sankari, Salem District.

+1cc to Mr.G.Thangavel, Advocate SR.No.17362

+1cc to the Government Pleader SR.No.18218

W.P.No.7019 of 2021

SKY (CO)

RLP (26/07/2021)