



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2021

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 25817 of 2018

A. Jayachandran

.. Petitioner

Versus

1. Government of Tamilnadu

Rep. by its Secretary,
Public Health & Family Welfare Department,
Secretariat, Chennai - 600 009.

2. Planning Officer,

Chief Minister Medical Relief Scheme,
O/o. The District Collectorate,
Villupuram.

3. Tamilnadu Medical Relief Scheme,

Rep. by its Joint Director,
Medical and Rural Development
Directorate Office,
Teynampet, Chennai - 6.

4. Apollo Hospital,

Rep. by its Administrative Officer,
No.21, Greenways Lane,
Chennai - 600 006.

5. E.S. Hospital,

Rep. by its Administrative Officer,
Chennai Highway,
Villupuram.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to reimburse the Medical Claim amount to the petitioner as per the Chief Minister's Extended Medical Relief Scheme within a stipulated period as fixed by this Court.

For Petitioner	:	Mr.S.Parthasarathy
For Respondents - 1 to 3	:	Mr. Stalin Abhimanyu Government Counsel
Respondents - 4 & 5	:	No Appearance



ORDER

The relief sought by the petitioner in this writ petition is to issue a Writ of Mandamus directing the respondents 1 to 3 to reimburse the Medical Claim amount to him as per the Chief Minister's Extended Medical Relief Scheme, within a stipulated period, as fixed by this Court.

2. It is stated that the petitioner had obtained the Chief Minister's Extended Medical Relief Card in No. 01330764 3380856 0000005, which is issued to those families, who are having annual income of less than Rs.72,000/-. While so, on 28.06.2018, the petitioner was admitted in Intensive Care Unit (ICU) at the fifth respondent Hospital since he suffered from Liver and Intestine disease. Even though he spent more than Rs.70,000/- for his treatment, he could not recover from his ailment, therefore, he was shifted to the fourth respondent Hospital by way of Ambulance and admitted in ICU, where, he spent Rs.7,72,312/- at the time of admission. The petitioner also informed the respondents 4 & 5 about his hospitalisation and the fact that he is having the Chief Minister's Extended Medical Relief Scheme Card. According to him, as per the Chief Minister's Extended Medical Relief Scheme, the second respondent is bound to pay for his entire treatment since the said scheme is applicable in both the 4th and 5th respondent Hospitals where he took treatment. Therefore, soon after his discharge, the petitioner submitted an application on 28.07.2018 under the Right to Information Act, to the third respondent, seeking information as to whether any amount has been disbursed to the respondents 4 & 5 for the treatment taken by him. On receipt of the said application, the third respondent informed him that no amount has been disbursed to the respondents 4 & 5 since they did not make any claim. Therefore, the petitioner submitted a representation dated 24.08.2018 to the respondents 1 to 3 seeking to extend the benefit of the said scheme to him, but, no order has been passed thereof. Hence, left with no other option, he has filed the present writ petition before this Court, for the relief stated supra.

3. Heard the learned counsel on both sides and perused the materials placed before this Court.

4. Considering the nature of relief sought by the petitioner, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 24.08.2018 and pass appropriate orders on merits and in accordance with the Chief Minister's Extended Medical Relief Scheme, preferably, within a period of six weeks from the date of receipt of a copy of this order.



5. This Writ Petition is disposed of with the above direction.
No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The Secretary,
Public Health & Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Planning Officer,
Chief Minister Medical Relief Scheme,
O/o. The District Collectorate,
Villupuram.
3. The Joint Director,
Tamilnadu Medical Relief Scheme,
Medical and Rural Development
Directorate Office,
Teynampet, Chennai - 6.

+lcc to Mr.S.Parthasarathy, Advocate, S.R.No.45731
+lcc to the Government Pleader, S.R.No.45855

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PCH(CO)
CT/13/10/2021