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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.21374 OF 2014

P.Perumal

... Petitioner

Vs.

1. The District Collector,
Salem District, Salem.

2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.
No.12, Ramakrishna Road,
Salem.

3. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.
No.12, Ramakrishna Road,
Salem.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to his Ka.No.Tho.Vu.1/17300/TNSTC/Salem/2014 dt 13.06.2014 and quash the same and direct the 2nd respondent to reimburse the amount spent for medical treatment by the petitioner.

For Petitioner : Mr.M.Selvam

For R1 : Mrs.N.Senthil Selvi
Government Advocate

For R2 and R3 : Mr.D.Raghu



O R D E R

The relief sought for in the writ petition is to quash the proceedings of the 2nd respondent dated 13.06.2014 and to direct the second respondent to reimburse the amount spent for medical treatment by the petitioner.

2. The order impugned dated 13.06.2014 stipulates that the petitioner is not entitled for medical reimbursement claimed on the ground that the petitioner has taken treatment in a hospital, which is not approved by the respondent Corporation. In other words, the petitioner had undergone medical treatment in an unapproved hospital and therefore, he is not entitled for medical reimbursement. Further, it has been stated that the petitioner has not given intimation immediately to the respondents.

3. The petitioner states that he was an employee of the Transport Corporation. He was holding the post of Senior Tradesman. On 22.03.2014 at about 7:30 am, suddenly the petitioner became unconscious and was admitted in the hospital. The Doctors shifted the petitioner to Neuro Foundation, 3 Road, Salem-9. As the petitioner was unconscious, the petitioner was not aware of the hospital or the nature of the treatment provided during the relevant point of time. Subsequently, the petitioner was diagnosed with a "large right temporal Lobe Hematoma-Ruptured-right MCA ANEURYSM", for which an emergency surgery was suggested. On 24.03.2014, a surgery of "Right pterional craniotomy and clipping of Aneurysm and evacuation of Hematoma" was performed and the petitioner was taking continuous treatment. He was discharged on 12.05.2014, however the petitioner did not regained his full senses. The petitioner sustained the medical expenditure of Rs.6,38,198/- and by pledging the jewels of his wife, the petitioner met out the medical expenditure. The petitioner's family was in a penurious circumstances. The petitioner attained the age of superannuation on 31.03.2014 and relieved from duty. Under those circumstances, the petitioner submitted an application for medical reimbursement. The said application was rejected on the ground that the hospital was not approved and immediate intimation was not given to the Transport Department.

4. This Court is of the considered opinion that the petitioner became unconscious due to work pressure while he was on duty and immediately admitted in the hospital. Therefore, the officials who were on duty during the relevant point of time very much aware of the fact that the petitioner was admitted in the hospital. This Court do not understand what further



intimation to be given to these authorities. Thereafter the petitioner underwent surgery continuously for a period of two months and he was unconscious. Therefore the very reason stated for rejection of the claim is unsustainable and inhumane.

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5. As far as the approved list of hospitals are concerned, no one can expect a person who is in a medical emergency to verify the approved hospitals and take treatment. The petitioner in the present case suddenly became unconscious and taken to the hospital. Thereafter, he do not know where he was admitted and what sort of treatment was provided to him and he underwent surgery and was in treatment for more than two months. This being the factum established the reasons for rejection of the medical reimbursement claim is not only flimsy and in violation of Article 21 of the Constitution of India.

6. Right to life provides decent medical treatment. Medical assistance is an integral part of Article 21 of the Constitution of India. Thus, no one should be denied of medical treatment in case of emergency. This being the Constitutional principle and Fundamental Right of a citizen, the rejection of claim should be considered in this context. In the present case the authorities are not justified in rejecting the claim of the petitioner as merely taking treatment in a hospital which is not approved cannot be a ground to reject the medical reimbursement claim. What is required is to ascertain the genuinity of the treatment undergone. When the genuinity of the treatment is not disputed, then the authorities competent are bound to pay the medical reimbursement claim as applicable under the Scheme.

7. This being the factum, the impugned order passed by the 2nd respondent in proceedings dated 13.06.2014 is quashed and the respondents are directed to settle the medical reimbursement claim of the writ petitioner with a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jeni/Cse



To

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+1cc to M/s.M.Selvam, Advocate, S.R.No.66964

W.P.No.21374 of 2014

CP(CO)
RLP(06/01/2022)