



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P. (MD) No.16000 of 2017

WEB COPY

L.Ravikumar

... Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam)
Limited,
represented by its Managing Director,
Kumbakonam.

2.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai 600 015.

3.The Joint Director,
Medical and Rural Services Department,
Nagapattinam District Head Quarters,
Nagapattinam.

4.United India Insurance Company Limited,
represented by its General Manager,
24, Whites Road,
Chennai 600 014.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and fourth respondents to reimburse the amount of Rs.2,81,548/- incurred by the petitioner towards the treatment / surgery undergone by the petitioner for heart ailment from 07.01.2013 to 12.01.2013 under the Health Insurance Scheme, as recommended by the third respondent, together with interest at the rate of 18% per annum.

For Petitioner	: Mr.S.Arunachalam
For R1	: No appearance
For R2 & R3	: Mr.M.Muthugeethayan Special Government Pleader
For R4	: Mr.A.Shajahan



O R D E R

This writ petition has been filed for a direction to the first and fourth respondents to reimburse the amount of Rs.2,81,548/- incurred by the petitioner towards the treatment / surgery undergone by the petitioner for heart ailment from 07.01.2013 to 12.01.2013 under the Health Insurance Scheme, as recommended by the third respondent, together with interest at the rate of 18% per annum.

2. The case of the petitioner is that the petitioner was appointed as Junior Engineer in the first respondent Corporation in the year 1984. Subsequently, he was promoted as Manager. The petitioner was covered under the Health Insurance Scheme. While so, the first respondent sent the petitioner for a training programme, which was conducted by the Central Institute of Road Transport at Pune. On 07.01.2013, at about 12.15 a.m., the petitioner suffered with heart attack and immediately, he was taken to Dr.Godboles Heart Care Hospital at Pune and taken treatment and subjected to surgery on 08.01.2013. Thereafter, he was discharged from the hospital on 12.01.2013. For the above said treatment, the petitioner has incurred a sum of Rs.2,81,548/-. The above said treatment is covered under the Health Insurance Scheme. Hence, the petitioner has applied to the first respondent along with necessary medical records, for reimbursement of Rs.2,81,548/-. But, the first respondent has not taken any steps to reimburse the same. Hence, the petitioner has made a representation to the second respondent. The second respondent, by letter dated 18.03.2013, directed the first respondent to refer the petitioner's claim to the Committee headed by the third respondent. Thereafter, based on the G.O.(Ms).No.243, dated 20.06.2012, the third respondent, by letter dated 20.11.2014, recommended for reimbursement of Rs.2,81,548/-. However, till date no order was passed. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the first respondent would submit that the petitioner's claim, which was forwarded by the Transport Corporation, will be considered, in accordance with law.

4. The learned counsel appearing for the fourth respondent Insurance Company would submit that the fourth respondent Insurance Company is strictly governed by the terms of contract between the Government and the Insurance Company. Further, in respect of the contract, G.O.(Ms).No.243, Finance (Salaries) Department, dated 29.06.2012, since the petitioner has taken treatment in a non network hospital, he is not at all entitled for medical reimbursement.



5. Heard the learned counsel for the petitioner, learned counsel for the respondents and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was employed as Assistant Manager in the first respondent Transport Corporation. He was sent for training to Pune from 07.01.2013 to 09.01.2013. On 07.01.2013, at about 12.15 a.m., the petitioner suffered with heart attack and immediately, he was taken to Dr.Godboles Heart Care Hospital at Pune and took treatment, for which, he spent Rs.2,81,548/-. Thereafter, he made an application for reimbursement of Rs.2,81,548/-, to the first respondent along with necessary medical records. However, till date no order was passed. The only contention raised by the learned counsel for the fourth respondent Insurance Company is that they are strictly governed by the terms of contract and the petitioner was taken treatment in non net work hospital. Hence, he is not entitled for medical reimbursement. However, the Division Bench of this Court, in the case of the **State Level Empowered Committee v. S.Paramasivam** reported in **2019 (2) MLJ 1** held that the competent authority of the Government of Tamil Nadu shall examine the claim made by the petitioner for medical reimbursement under the Tamil Nadu Medical Attendance Rules and sanction and disburse the eligible amount towards the same along with the interest thereon even in cases of treatment taken in a non-network hospital. The case of the petitioner stands squarely covered for the said decision.

7. In view of the settled position of law, this Court directs the respondents 1 and 4 to settle the petitioner's claim for medical reimbursement along with interest at the rate of 7.5% per annum, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)



WEB COPY

- 1.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai 600 015.
- 2.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam)
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represented by its Managing Director,
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- 3.The Joint Director,
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- 4.United India Insurance Company Limited,
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+1 CC to M/s.SPL GP (SR-13580[F] dated 25/03/2021)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-13540[F] dated 25/03/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-14009[F] dated
26/03/2021)

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