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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-01-2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.28626 OF 2015

D.Ramalingam

... Petitioner

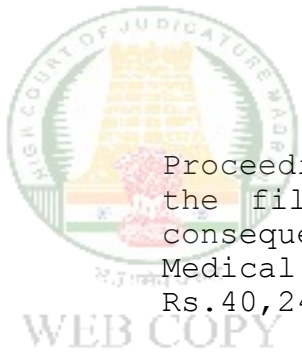
.Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Pension,
D.M.S. Campus,
259, Anna Salai,
Chennai - 600 006.
3. The Treasury Officer,
Sub-Treasury,
Kangeyam,
Tiruppur District.
4. The Managing Director,
United India Insurance Co. Ltd.,
212, Anna Salai,
Chennai - 600 006.
5. M.S.India Health Care Services (TPA)
Private Limited,
Represented by its General Manager,
Regional Officer,
No.27/7, Lakshmi Towers,
3rd Floor, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned



Proceedings dated 01.07.2015 passed in O.Mu.No.1221/2015/A1 on the file of the third respondent herein, quash the same and consequently directing the respondents herein to reimburse the Medical Expenses incurred by the petitioner to the tune of Rs.40,245/-.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.C.Sathish
1 to 3 Government Advocate

For Respondents : No Appearance
4 and 5

O R D E R

The order of rejection rejecting the claim of the petitioner for medical reimbursement, is under challenge in the present writ petition.

2. The petitioner was appointed as Village Administrative Officer and he retired from service at the age of superannuation on 31.05.1995.

3. The petitioner states that he underwent 'Angioplasty' Surgery at Apollo Heart Hospital, Erode and was continuing his treatment at Sri Kuppusamy Hospital, Vellakovil. On 24.11.2014, the petitioner suffered severe chest pain and was admitted in Sri Kuppusamy Hospital, Vellakovil and after treatment, he was discharged from the said Hospital on 26.11.2014. The petitioner incurred medical expenses of Rs.13,446/- and Rs.26,799/- respectively totalling to Rs.40,245/-

4. The petitioner submitted an application for reimbursement of the medical claims and the respondents rejected the application of the petitioner on the ground that as per the Government Order, the name of Sri Kuppusamy Hospital is not included in the list of approved Hospital and therefore, the application of the petitioner cannot be considered.

5. This Court has passed number of orders clarifying that the Authorities are bound to consider the genuinity of the medical treatment taken by the applicants and merely because the Hospital's name was not included in the list of approved Hospital as per the Government Order, the medical reimbursement claim cannot be denied.

6. In the present case, the petitioner states that the petitioner suffered severe chest pain on 24.11.2014 and in view



of the urgency, he was admitted in Sri Kuppusamy Hospital, Vellakovil and had undergone treatment.

7. This being the factum, one cannot expect the petitioner to verify whether the name of the Hospital is included in the list of approved Hospital as per the Government Order and thereafter, take treatment when he had severe chest pain. The principles to be followed in such circumstances are elaborately considered by the Courts in various judgments and it is consistently followed that wherever the medical treatment and its genuinity are established, then the medical reimbursement claim cannot be rejected, merely on the ground that the Hospital in which the treatment taken is not included in the approved Hospital list as per the Government Order.

8. This being the principles consistently followed by this Court, the case of the petitioner is to be considered. Accordingly, the order impugned passed by the third respondent in proceedings O.Mu.No.1221/2015/A1 dated 01.07.2015 is quashed and the respondents are directed to settle the medical reimbursement claim to the petitioner as per his eligibility, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS III)

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Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Finance (Pension) Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Pension,
D.M.S. Campus,
259, Anna Salai,
Chennai - 600 006.



3. The Treasury Officer,
Sub-Treasury,
Kangeyam,
Tiruppur District.

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4. The Managing Director,
United India Insurance Co. Ltd.,
212, Anna Salai,
Chennai - 600 006.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.3879
+1cc to the Government Pleader, S.R.No.3990

W.P.NO.28626 OF 2015

MT (CO)
PBS/08/02/2022