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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11267 of 2021

Capt.Amarjit Singh Bhasin

... Petitioner

Vs.

1.Chennai Port Trust

represented by its Chairman,
RajaiSalai
Chennai - 600 001.

2.Chief Medical Officer i/c

Chennai Port Trust,
Office of the Chief Medical Officer,
Chennai Port Trust,
Chennai 600 001.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of Mandamus, to direct the respondents to reimburse the expenses incurred by the petitioner towards the treatment of his wife Mrs.RanjeetBhasin during the period from 13th April, 2020 to 14th May 2020 and 15th May 2020 to 30th September 2020 based on the medical bills submitted by the petitioner in terms of the Chennai Port Trust Employees' (Medical Attendance in the Trust's Hospital and Reimbursement of Hospital Charges), Regulations, 1994 within the time frame stipulated by this Court along with interest at the rate of 8% per annum.

For Petitioner : Mr.Balan Haridas

For Respondents: Mr.S.Haja Mohideen Gisthi

O R D E R

This writ petition has been filed to direct the respondents to reimburse the expenses incurred by the petitioner towards the treatment of his wife Mrs.RanjeetBhasin during the period from 13th April, 2020 to 14th May 2020 and 15th May 2020 to 30th September 2020 based on the medical bills submitted by the petitioner in terms of the Chennai Port Trust Employees' (Medical Attendance in the Trust's Hospital and Reimbursement of Hospital Charges), Regulations, 1994 within the time frame stipulated by this Court along with interest at the rate of 8% per annum.



2. Brief facts of the case:

The petitioner was employed under the respondent Trust and retired from services. The petitioner and his wife are entitled to get medical treatment and medical reimbursement under Chennai Port Trust Employees' (Medical Attendance in the Trust's Hospital and Reimbursement of Hospital Charges), Regulations, 1994. Due to Covid -19 pandemic, the wife of the petitioner had to undergo treatment at Apollo Cancer Hospital for breast cancer and thereafter, by submitting all the medical bills, the petitioner had claimed medical reimbursement at Rs.4,99,049/- but the respondents have not paid the said amount. Hence, the writ petition.

3. Heard the learned counsel on either side and perused the materials placed on record.

4. The learned counsel for the petitioner would submit that the wife of the petitioner viz., Ranjeet Bhasin, developed severe pain in her arm on 13.04.2020, therefore, they have visited the respondent hospital. Since the Oncologist was on leave for 30 days or more due to COVID pandemic, the duty doctor has treated her and suspected cancer. Thereafter, they went to Apollo Cancer Hospital on 16.04.2020 and informed to the second respondent. After examination of the wife of the petitioner, based on the report, the Apollo Hospital authority detected cancer in her right breast and immediately, on advise of attending Oncologist, the wife of the petitioner underwent for eight Chemotherapies between the period 16.04.2020 to September, 2020; surgeries and 28 radiations between period October 2020 to December 2020. Further, he would submit that at that time, the Central Government has announced the lockdown for the entire Country due to Covid-19 Pandemic and the State Government has also followed the same and hence, the petitioner could not able to meet the respondent. At this juncture, the petitioner has no other option except to approach and take treatment in the Apollo Hospitals. Thereafter, the petitioner has submitted all the medical records to the respondents for claiming medical reimbursement of Rs.4,99,049/- and the respondents are not reimbursing the expenses. He would further submit that the petitioner is entitled to get the reimbursement in terms of the Chennai Port Trust Employees' (Medical Attendance in the Trust's Hospital and Reimbursement of Hospital Charges), Regulations, 1994. Hence, he seeks for a direction to the respondents to reimburse the medical expenses to the petitioner.

5. The learned counsel appearing for the respondents has filed counter affidavit by stating that the petitioner and his family are entitled to get any kind of treatment at any of the empanelled hospital of Chennai Port Trust by obtaining the reference letter. Hence, in case of non-empanelled hospital and based on which reimbursement claims received, the trust



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Specialist will decide whether the treatment is emergency or not which is under the purview of the Trust reimbursement regulations Chennai Port Trust Employees' (Medical Attendance in the Trust Hospital and Reimbursement of Hospital Charges) Regulations 1994 10(ii) where due to emergency, an employee or member of his family has to be admitted in a hospital without any reference from the Chief Medical Officer, the Deputy Chairman at his discretion may sanction the reimbursement of the hospital charges if he is satisfied about the genuineness of the case. If the hospital where such treatment is undergone is not in the list of approved hospitals (Appendix ii) prescribed under these regulations, the reimbursement will be limited to the expenditure that would have been incurred had the treatment been taken in any hospital under CGHS rates.

6. On a perusal of the typed set of papers filed by the writ petitioner, it is seen that in the approved list of hospital, the Apollo Hospital has been shown as Serial No.19, in the Appendix-II, Chennai Port Trust Employees' (Medical Attendance in the Trust's Hospital and Reimbursement of Hospital Charges), Regulations 1994 and the said fact cannot be disputed by the parties concerned. Apart from that, due to Covid-19 pandemic situation, the Central Government and State Government has issued lock down notification and under such circumstances, in emergency, the wife of the petitioner has undergone treatment in the Apollo Hospital. Therefore, the respondents cannot refuse the request of the petitioner. Further, the said hospital is not a non empanelled hospital, by virtue of the power vested to the Trust approved list under the regulations. Due to the prevailing situations, the said request of the petitioner ought to have been considered by the respondent/Port Trust. Therefore, this Court has no hesitation to come to the conclusion that the respondents have to consider the claim of the petitioner.

7. In view of the above, it is seen from the Regulations 1994, Appendix-II, that the Apollo Cancer Hospital is included in the list of approved hospitals. In view of the above facts and circumstances of the case, this Court is inclined to direct the respondent to consider the claim of the petitioner and take appropriate decision as early as possible within a period of six weeks from the date of receipt of a copy of this order. The petitioner also directed to cooperate to produce all the relevant documents to the authority concerned.

8. With the above direction this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

1.The Chairman,
Chennai Port Trust
RajaiSalai
Chennai - 600 001.

2.Chief Medical Officer i/c
Chennai Port Trust,
Office of the Chief Medical Officer,
Chennai Port Trust,
Chennai 600 001.

+1 cc to Mr.Balan Haridas, Advocate Sr.NO. 20546
W.P.No.11267 of 2021

skm(CO)
A.SK(04/05/2022)