



W.P.No.15296 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.15296 of 2020
and W.M.P.No.19127 of 2020

D.Parthiban

.... Petitioner

-Vs-

1.The Government of Tamil Nadu
Rep.by its Secretary
(Rural Development & Panchayatraj
Department), Fort St.George
Chennai 600 009.

2.The District Collector
Tiruppur District.

3.The Block Development Officer
(Village Panchayat),
Moolanur Panchayat Union
Thiruppur District.

4.The Joint Director (Health)
Government Hospital Campus
Tiruppur.

5.M/s.United India Insurance Co., Ltd.,
Divisional Office, 5th Floor
PLA Rathna Tower, 212 Anna Salai
Chennai 600 006.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus Calling for the records with



W.P.No.15296 of 2020

regard to the impugned order passed by the 2nd respondent vides his office letter No. Na.Ka.No. 9525 / 2019 / A4 dated 30.1.2020 and quash the same and consequently directing the respondents 1 to 3 to reimburse the medical expenses of rs. 1 96 000/- incurred by the petitioner for taking medical treatment to him at M/s. G.Kuppusamy Naidu Memorial Hospital Coimbatore with interest at the rate of 9 percentage from 5.1.2015 i.e the date of Payment made by the petitioner to the hospital till date of reimbursement made to the petitioner within the time fixed by this Honble Court.

For Petitioner : Mr.M.Karthik

For Respondents : Mr.K.Tippusultan, Government Advocate
for RR 1 2 and 4
Mr.D.Suriyanarayanan – for R3

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus Calling for the records with regard to the impugned order passed by the 2nd respondent vides his office Letter No. Na.Ka.No. 9525 / 2019 / A4 dated 30.1.2020 and quash the same and consequently directing the respondents 1 to 3 to reimburse the medical expenses of Rs. 1,96 000/- incurred by the petitioner for taking medical treatment to him at M/s. G.Kuppusamy Naidu Memorial Hospital Coimbatore with interest at the rate of 9 percentage from 5.1.2015 i.e the date of Payment made by the petitioner to the hospital till date of reimbursement made to the petitioner within the time fixed by this Court.



W.P.No.15296 of 2020

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2. The petitioner was working as a driver at the third respondent office.

While he was on duty on 27.12.2014 at about 11.30 a.m., he suffered severe heart attack. He was immediately rushed to the nearby hospital at M/s.G.Kuppusamy Naidu Memorial Hospital, Coimbatore where he was admitted in serious condition. Thereafter, on 29.12.2014 he had undergone open heart surgery and was discharged on 05.01.2015. In this process, the petitioner incurred total medical expenses of Rs.1,96,000/-.

3. In order to reimburse the said amount, the petitioner has made an application to the respondents. However, the application having been considered was rejected by the District Administration and this has been conveyed by the District Collector by his communication dated 30.01.2020, where the second respondent District Collector has stated that the following persons' applications which were submitted for medical reimbursement have been rejected and therefore it could be communicated to the concerned applicants. This order is under challenge in this writ petition.

4. Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1, 2 and 4 and the learned counsel for the third respondent. Learned Government Advocate, by relying upon the counter affidavit



W.P.No.15296 of 2020

filed by the third respondent, has submitted that since the petitioner has taken treatment in the non-networking hospital, the fifth respondent insurance company has not paid the medical reimbursement and therefore the application was rejected and the said position has been communicated through the impugned order by the second respondent District Collector.

5. Insofar as the medical reimbursement is concerned, for Government servants as well as pensioners, there are two separate schemes for medical reimbursement by the State Government under which every Government employee and pensioner has to pay contribution every month through their salary. When that being so, there is a contract between the Government and the Insurance Company, where there is a list of hospitals and within the said hospitals if the treatment has not been taken, normally the Insurance Company will reject the medical reimbursement as it is not taken in a networking hospital covered under the contract.

6. This issue had already engaged this Court in number of cases, where already many orders have been passed by this Court that, if the employee or pensioner is admitted in a hospital, where emergency treatment has been taken, the question of rejecting the application for medical reimbursement on the ground that the treatment taken in a non-networking hospital, does not arise.



W.P.No.15296 of 2020

WEB COPY

7. In the present case also, the petitioner was affected by sudden heart attack for which he had to be rushed to a nearby hospital, he was admitted in a serious condition, where he had undergone open heart surgery. Otherwise, the life of the petitioner would not have been saved. Therefore, as no reason has been stated in the impugned order for rejecting the application of the petitioner for medical reimbursement, this Court has no hesitation to hold that the impugned order does not stand in the legal scrutiny.

8. In view of the settled legal proposition, the following orders are passed in this writ petition.

- The impugned order dated 30.01.2020 passed by the 2nd respondent is hereby quashed and the matter is remitted back to the second respondent for reconsideration.
- While reconsidering the same, the fifth respondent insurance company must be roped in, in considering the application for medical reimbursement, where, whatever reasonable expenses incurred by the petitioner out of the claim he has made for his treatment in the hospital, where he has undergone open heart surgery to save his life, shall be considered and accordingly necessary reimbursement



W.P.No.15296 of 2020

shall be paid by the respondents, especially the fifth respondent insurance company and if the insurance company has not paid the same by citing the terms of the contract between the Government and the Insurance Company, it is the duty of the State Government to pay the same as per the law declared in this regard and therefore the District Collector / Head of the Scrutiny Committee of the District concerned shall ensure reimbursement of the medical expenses incurred by the petitioner in this regard by considering the application.

- The needful as indicated above shall be undertaken within a period of six weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

08.09.2022

Index : Yes/No
Internet : Yes/No
KST



W.P.No.15296 of 2020

To

WEB COPY

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W.P.No.15296 of 2020

R. SURESH KUMAR, J.

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W.P.No. 15296 of 2020

08.09.2022