



W.P.No.19439 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.19439 of 2022
and W.M.P.No.18743 of 2022

M. Hithayathulla

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Finance (Pension) Department,
Chennai – 600 009.

2.The Commissioner of Treasuries & Accounts,
3rd Floor, Integrated Office Complex for Finance Department,
No.571, Anna Salai,
Nandanam, Chennai – 600 006.

3.The District Collector,
Dharmapuri District.

4.The Chairman-cum-Managing Director,
United India Insurance Company Ltd.,
1st Floor, 134, Whites Road,
Chennai – 600 006.

5.The Joint Director Health & Family Welfare Department,
Office of the Joint Director,
Kuppur Post,
Dharmapuri District – 600 004.

.. Respondents



W.P.No.19439 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in No.7450, dated 01.10.2021 and consequential order of the fifth respondent in Muu.Mu.No.5413/K2/2020 dated, 20.12.2021 and quash the same and consequently, direct the respondents 1 to 5 to reimburse the medical expenses a sum of Rs.1,08,800/- incurred by the petitioner together with 9% interest based upon the G.O.Ms.No.165, dated 01.06.2022 and in the light of this Court orders in WP.No.2042 of 2021 and WP.(MD).No.2489 of 2022 within the time stipulation as prescribed by this Court.

For Petitioner : Ms.A. Pramila

For Respondents : Ms.M. Jayanthi,
Additional Government Pleader [R1 to R3 & R5]

Mr.P. Sankaranarayanan [R4]

ORDER

This Writ Petition has been filed challenging the rejection of the petitioner's medical claim on the ground that he has taken treatment in a Non-Network Hospital.

2. The issue as to whether the insured will have to take Covid-19 treatment in a network hospital, has been well settled by various decisions



W.P.No.19439 of 2022

of this Court, wherein, it has been consistently held that there is no requirement for a claimant to seek treatment in a network hospital whenever there is an emergent necessity.

3. Admittedly, as per G.O.Ms.No.165, dated 01.06.2022, the claim of the petitioner will have to be considered by the second respondent and forwarded to the fourth respondent, along with its sanction order, for the purpose of disbursement of funds to the petitioner. Admittedly, the said process has not taken place till date.

4. The reason for rejection as seen from the impugned order that the petitioner had not taken treatment in a network hospital, is also not correct as per the decisions rendered by this Court on various occasions including its order dated **14.09.2022** passed in **WP.No.24413 of 2019** in the case of **'G.C. Suseela Devi Vs. The Government of Tamil Nadu & others'**.

5. No prejudice will be caused to the respondents, if a direction is issued to the second respondent to consider the petitioner's representation, seeking for reimbursement of his medical expenses on account of his Covid-



W.P.No.19439 of 2022

19 treatment in a Non-Network Hospital, within a time frame to be fixed by this Court and thereafter, a direction is issued to the second respondent to forward the proposal to the fourth respondent along with sanction of funds, to enable the fourth respondent to disburse the reimbursement amount to the petitioner.

6. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law, on the petitioner's representation dated 02.11.2020, seeking for reimbursement of a sum of Rs.1,08,800/- as per the Government Insurance Scheme i.e. G.O.Ms.No.165, dated 01.06.2022, without insisting upon the condition that the petitioner ought to have taken a treatment only in a network hospital, within a period of six (6) weeks from the date of receipt of a copy of this order and thereafter, submit a proposal to the fourth respondent along with sanctioning of the funds, to enable the fourth respondent to disburse the amount to the petitioner. This Court makes it clear that the entire exercise of disbursing the fund to the petitioner shall be completed by the respondent within a period eight (8) weeks from the date of receipt of a copy of this order.



W.P.No.19439 of 2022

7. With the above directions, this Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

20.12.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

Sni

To

- 1.The Secretary to State of Tamil Nadu,
Finance (Pension) Department,
Chennai – 600 009.
- 2.The Commissioner of Treasuries & Accounts,
3rd Floor, Integrated Office Complex for Finance Department,
No.571, Anna Salai,
Nandanam, Chennai – 600 006.
- 3.The District Collector,
Dharmapuri District.
- 4.The Chairman-cum-Managing Director,
United India Insurance Company Ltd.,
1st Floor, 134, Whites Road,
Chennai – 600 006.
- 5.The Joint Director Health & Family Welfare Department,
Office of the Joint Director,
Kuppur Post,
Dharmapuri District – 600 004.



WEB COPY



W.P.No.19439 of 2022

ABDUL QUDDHOSE,J.

Sni

W.P.No.19439 of 2022

20.12.2022