



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2043 of 2021

and

W.M.P. (MD) Nos.1722 & 1723 of 2021

T.Senthil

... Petitioner

-vs-

1.The District Collector,
Karur District, Karur.

2.The Joint Director,
O/o.The Joint Director,
Health Department, Karur.

3.The Divisional Manager,
MD India Health Insurance TPA Pvt Ltd,
Guna Complex,
443 and 445, Annasalai,
Tyenampet, Chennai.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the 1st respondent in his proceedings ந.க.உ.2/19090/2018 dated 12.11.2020 and quash the same as illegal and consequently to direct the respondents to reimburse the medical expenses of sum of Rs.1,77,395/- (One Lakh Seventy Seven Thousand and Three hundred and Ninety Five Rupees only) paid by the petitioner for the surgery and medical treatment of his son viz. Mr.Kavin with 9% interest.

For Petitioner : Mr.H.Mohammed Imran,
for M/s.Ajmal Associates

For RR1 & 2 : Mr.A.K.Manikkam,
Special Government Pleader

For R3 : Mr.A.Shajahan



O R D E R

The order impugned dated 12.11.2020, issued by the District Collector, Karur District, permitting the petitioner to submit an application for medical reimbursement under the Tamil Nadu Leave Attendance Rules (Revised) is under challenge in the present writ petition.

2.The petitioner states that he is working as B.T.Assistant (Maths) in Government Higher Secondary School, K.Paramathi, Karur District. He is the subscriber of New Health Insurance Scheme and eligible for medical reimbursement. The petitioner's son suffered cardio embolic stroke and admitted in Royal Care Super Speciality Hospital at Coimbatore. The said hospital is an approved hospital, as per the Government Policy. The petitioner processed all the formalities and the demand made by the said Royal Care Super Speciality Hospital was also communicated to the Insurance Company.

3.Perusal of the records would reveal that an amount of Rs.1,80,000/- was sanctioned by the competent authorities, as the said hospital is an approved hospital. When the amount for treatment was also approved, the petitioner states that his son was immediately affected by stroke and he was admitted in another hospital, viz., G.Kuppusamy Naidu Memorial Hospital on 25.02.2019. However, the said hospital is not an approved hospital and therefore, the authorities have not considered the claim.

4.The learned counsel for the petitioner made a submission that the District Level Empowered Committee approved the treatment and the claim of the writ petitioner. While so, the petitioner has taken treatment for emergency care in G.Kuppusamy Naidu Memorial Hospital and therefore, the entire claim is to be settled.

5.The learned counsel for the petitioner relied on the proceedings of the District Collector, who is the Chairman of District Empowered Committee to the Divisional Manager of United India Insurance Company, wherein the claim petition of the petitioner was approved by the District Empowered Committee. Relying on the said recommendation, the petitioner states that the claim is to be settled.

6.The learned Special Government Pleader appearing on behalf of the State made a submission that no doubt the petitioner's son was admitted in Royal Care Super Speciality Hospital and was taking treatment from 12.02.2019 to 15.02.2019 with a diagnosis cardio embolic stroke and underwent medical management. When for the cardio embolic stroke, the son of the petitioner was taking treatment in an approved hospital, all of a sudden, the petitioner admitted his son in another hospital viz., G.Kuppusamy Naidu Memorial Hospital and under those circumstances, the authorities found that an emergency arose for the purpose of shifting to nearby



hospital and it was done at the convenience of the petitioner and therefore, he is not eligible for medical reimbursement claim.

7.The learned counsel for the Insurance Company also reiterated that the original claim of the petitioner was sanctioned by the United Indian Insurance Company for a sum of Rs.1,80,000/-. However, the son of the petitioner was not treated by that hospital contrarily, the petitioner switched over from the approved hospital to non-network hospital without any valid reason and therefore, his claim was not considered.

8.The fact reveals that the treatment took by the petitioner for his son at Royal Care Super Speciality Hospital, Coimbatore was sanctioned by the District Level Empowered Committee and also by the Insurance Company and a sum of Rs.1,80,000/- was sanctioned for the treatment to be provided by the hospital. Instead of continuing treatment in the hospital, the petitioner has chosen to provide treatment in another hospital viz., G.Kuppusamy Naidu Memorial Hospital. Therefore, it is the decision of the petitioner taken on certain personal reasons, which cannot be a ground to consider his case for medical reimbursement by this Court. If at all the petitioner is of an opinion that there was a genuine medical emergency circumstances arose and emergency treatment was provided in G.Kuppusamy Naidu Memorial Hospital and such treatment was not available in the Royal Care Super Speciality Hospital, the said facts are to be established before the competent authorities and in this regard, the petitioner is at liberty to approach the State Level Empowered Committee for the purpose of establishing the medical records. High Court cannot adjudicate such disputed medical issues, which all are to be considered with reference to the documents and evidences.

9.Accordingly, the petitioner is at liberty to approach the State Level Empowered Committee for the purpose of establishing his case with reference to the medical records. With this liberty, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The District Collector,

Karur District, Karur.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Joint Director,
O/o.The Joint Director,
Health Department, Karur.

WEB COPY

+1 CC to M/s.SPL GP (SR-9252[F] dated 01/03/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9294[F] dated
01/03/2022)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9366[F] dated 01/03/2022)

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RD(15/03/2022) 4P 6C