



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2478 of 2022

Vijayarani

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep., by its Secretary,
Finance (Salaries) Department,
St.George Fort, Chennai-9.

2.The Commissioner of Treasuries and Accounts,
3rd Floor, Integrated Office Complex for
Finance Department,
571, Anna Salai, Nandanam, Chennai-600 006.

3.The District Collector,
Madurai District, Madurai.

4.The United Indian Insurance Company Ltd.,
Divisional Office,
I Floor, 134, Greams Road,
Chennai-600 006.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Rc.No.20199/NHIS-1/2021 dated 16.11.2021, quash the same as illegal and further direct the 2nd respondent to recommend the petitioner's claim to the 4th respondent to reimburse the payment from the corpus fund provided by the government within the time stipulation as prescribed by this Court.

For Petitioner : Mr.Dhilipan Pandian

For Respondents : Mr.D.Sadiq Raja,
1 to 3 Additional Government Pleader



O R D E R

The order impugned dated 16.11.2021, rejecting the claim of the writ petitioner for medical reimbursement, is under challenge in the present writ petition.

2.The writ petitioner is working as Handcraft Teacher in Nadar Vidhyasalai Middle School, Therku Vasal, Madurai. The petitioner's husband was infected with COVID-19 and admitted in Ahana Hospital. He was treated as inpatient from 07.05.2021 and thereafter, was discharged on 15.05.2021. He was admitted due to severe lung infection and the petitioner sustained medical expenditure to the tune of Rs.2,60,000/-. The petitioner states that she is a member of the Medical Reimbursement Claim and accordingly, filed an application seeking reimbursement. The Commissioner of Treasuries and Accounts, rejected the claim on the ground that the treatment provided to the husband of the petitioner was non-critical nature and treatment was taken in non-network hospital.

3.With reference to the above grounds, this Court is of the considered opinion that the principles with reference to the non-network hospital have already been settled by this Court and by the Apex Court. Merely taking treatment in a non-network hospital would not be a ground to reject the medical reimbursement claim. In emergency circumstances, for getting medical assistance, a person cannot run to pillar to post. He has to be admitted in the nearby hospital and once the genuinity of the treatment is established, then the medical reimbursement claim cannot be rejected merely on the ground that the treatment was taken in the non-network hospital.

4.As far as the other ground regarding non-critical nature of treatment is concerned, it is to be considered that the nature of disease is included for claim. In the present case, on account of COVID-19 infection, the husband of the petitioner suffered severe lung infection. Therefore, it is to be treated as lung disease, which is also serious. Due to severe lung infection, many people infected by COVID-19 and lost their life and therefore, lung infection cannot be treated as non-critical. A severe lung infection is considered as critical even by the medical experts and therefore, the said reason stated in the impugned order that the treatment taken is non-critical is unacceptable. This being the factum established, the case of the petitioner is to be considered.

5.With reference to the genuinity of the medical treatment taken, the 2nd respondent is directed to verify the medical records, if necessary, and accordingly, settle the reimbursement claim of the writ petitioner as per her eligibility within a period of 12 weeks from the date of receipt of a copy of this order.



WEB COPY

W.P.(MD) No.2478 of 2022

6. With the above observation and direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

abr

To

1. The Secretary to Government,
Finance (Salaries) Department,
The State of Tamil Nadu,
St. George Fort, Chennai-9.
2. The Commissioner of Treasuries and Accounts,
3rd Floor, Integrated Office Complex for
Finance Department,
571, Anna Salai, Nandanam, Chennai-600 006.
3. The District Collector,
Madurai District, Madurai.

+1 CC to M/s.SPL GP (SR-4746[F] dated 08/02/2022)

W.P. (MD) No.2478 of 2022

07.02.2022

_RD(16.02.2022) 3P 5C