



W.P.(MD)No.1374 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.1374 of 2019

and

W.M.P(MD)No.1186 of 2019

M.A.Haja Kamaideen Shajakhan

... Petitioner

Vs.

1. The Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai – 600 009.

2. The Divisional Manager,
United India Insurance & Company Limited,
PLA Rathina Towers, 5th Floor,
212, Anna Salai,
Chennai – 600 006.

3. The Director of Medical and Rural Health Services,
DMS Complex, Teynampet, Chennai – 600 006.

4. The Treasury Officer,
District Treasury, Madurai.

.... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling records of the 3rd and 4th respondents i.e., the Director of Medical and Rural health Services, Chennai in his Oo.Mu.No.7545/Ka.Pi1/3/2018 dated 03.01.2019 and the Treasury Officer, District Treasury, Madurai in his letter Na.Ka.No.12008/2017/M.1, dated 06.08.2018 and quash the same and consequently direct the 1st respondent i.e., the Secretary to Government, Finance (Pension) Department, Chennai, to sanction the eligible amount to the petitioner since the claim of the petitioner cannot be rejected on the only ground that the Hospital in which the petitioner undergone treatment is Non-Network hospital particularly after issuance of G.O.Ms.No.202, Finance (Salaries) Department, dated 30.06.2016, within a specified time frame that may be fixed by this Court.

For Petitioner : M/s.S.Visvalingam

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the proceedings of the 3rd and 4th respondents i.e., the Director of Medical and Rural health Services, Chennai in his Oo.Mu.No.7545/Ka.Pi1/3/2018 dated 03.01.2019 and the Treasury Officer, District Treasury, Madurai in his letter Na.Ka.No.12008/2017/M.1, dated



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06.08.2018 and also sought for a consequential direction to the 1st respondent i.e., the Secretary to Government, Finance (Pension) Department, Chennai, to sanction the eligible amount to the petitioner, since the claim of the petitioner cannot be rejected on the only ground that the Hospital in which the petitioner had undergone treatment is Non-Network hospital, particularly, after issuance of G.O.Ms.No.202, Finance (Salaries) Department, dated 30.06.2016, within a specified time frame that may be fixed by this Court.

2. Heard M/s.S.Visvalingam, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the respondents. Perused the material documents available on record.

3. The claim of the petitioner was rejected by the District Empowered Committee. The petitioner has incurred expenses of Rs.2,27,245/-. The issue of Non-network hospital has been considered by this Court as well as the Hon'ble Supreme Court. Whenever, the claim is outside the coverage of the Insurance



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Company, the Government who is liable to grant the same, under Medical Attendant Rules.

4. Accordingly, this matter is remitted back to the 1st respondent and the 1st respondent shall consider the claim of the petitioner, under Medical Attendant Rules and pass an appropriate order and if, the petitioner is eligible the same shall be granted. The said exercise shall be completed, within a period of 12 weeks from the date of receipt of a copy of the order.

5. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

16.12.2022



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.1374 of 2019**

16.12.2022