



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14745 of 2019

R.Chellamani

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The District Treasury Officer,
District Treasury Office,
Theni District.

3.The Sub-Treasury Officer,
Utthamapalayam,
Theni District.

4.M/s.United India Insurance Company Limited,
Divisional Office,
5th Floor, PLA Rathna Towers,
212, Anna Salai,
Chennai-600 006.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.9552/2018/B1 dated .. 11.2018 and quash the same as illegal and consequently direct the respondents to disburse the medical expenses of Rs.47,000/- (Rupees Fourty Seven Thousand Only) within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Jagannathan

For Respondent : Mr.A.K.Manikkam
Special Government Pleader
for RR1 to 3
No-appearance for R4

O R D E R

The order impugned dated .11.2018 reveals that the Medical reimbursement claim of the petitioner was rejected on the ground that the treatment has been taken in non-network hospital. The petitioner is a member of Health Fund Scheme and a pensioner. The petitioner accidentally fell down from the staircases at her house on 20.04.2016 and her right side hip bone got fractured. She was taken to a private hospital immediately, namely Sri Sairam Hospital, Theni District. She was admitted as in-patient for undergoing treatment and after taking treatment, she was discharged. The petitioner filed an application for medical reimbursement. The claim petition was rejected on the ground that the petitioner undertook treatment in non-approved hospital. Thus, the petitioner is constrained to move the present Writ Petition.

2. Many number of judgments were delivered holding that the Authorities Competent are bound to verify the genuinity of the treatment taken by the employee. The benefit of Medical reimbursement cannot be denied merely on the ground that the treatment was taken in non-network hospital. The emergency situation warranting urgent treatment for a person is to be considered. This being the principles adopted, the Authorities Competent cannot mechanically reject the medical reimbursement claim by stating that the treatment was not taken in the approved hospital.

3. Providing a decent medical treatment is a right to live enunciated under Article 21 of the Constitution of India. Thus, the medical reimbursement claim cannot be rejected on flimsy technical grounds. The genuinity of the treatment is to be verified, but not the hospital, in which the treatment was taken. When a person urgently needs a medical treatment, no one can expect that he should be admitted in the hospitals listed out in the Government Order. It may not be practicable in such circumstances.

4. This being the factum, the order impugned is not in consonance with the established principles laid down by the High Court in the matter of medical reimbursement. Consequently, the order impugned passed by the second respondent in Na.Ka.No.9552/2018/B1 dated ..11.2018 is quashed. The respondents are directed to settle the medical reimbursement claim of the petitioner as per his eligibility within a period of eight weeks from the date of receipt of a copy of this order.



5. Accordingly, the Writ Petition stands allowed. No costs.

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// True Copy //

Sd/-

Assistant Registrar(CRL SIDE)

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The District Collector,
Theni District,
Theni.

2.The District Treasury Officer,
District Treasury Office,
Theni District.

3.The Sub-Treasury Officer,
Utthamapalayam,
Theni District.

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+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-4714[F] dated
08/02/2022)

+1 CC to M/s.SPL.GP (SR-5015[F] dated 09/02/2022)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-5131[F] dated 09/02/2022)

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