



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.14957 of 2019

K.K.Pandian

... Petitioner

Vs.

1.The Secretary to Government
Government of Tamil Nadu,
Finance (Salaries) Department,
Fort St.George, Chennai-19.

2.The General Manager,
United India Insurance Company Limited,
Cilingi Building,
No.134, Greams Road,
Chennai-600 006.

3.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office VI,
Vth Floor, P.L.A.Rathna Towers,
No.212, Anna Salai,
Chennai-600 006.

4.The District Collector,
Theni District.

5.The Executive Engineer,
TANGEDCO,
Distribution/Periyakulam,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the fifth respondent in Ku.No.189/SePo/Pa/Peri/VuNiA/KaMe/EniVu/Ko.MaSethi/2019 dated 04.06.2019 , quash the same and consequently direct the respondents herein to reimburse the medical claim of Rs.81,600/- together with interest at the rate of 7.5% p.a. thereon to the petitioner covered by the medical records and medical bills within a reasonable time as may be fixed by this Court.



For Petitioner : Mr.K.Appadurai
For Respondent : Mr.S.Nedunchezian
for R1 and R4
Mr.A.Shajahan
for RR2 & 3
Mr.S.Arivalagan for R5

O R D E R

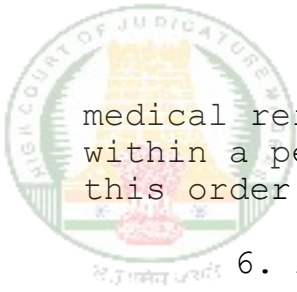
The order impugned dated 04.06.2019 is sought to be quashed in the present writ petition.

2. The petitioner is a member of Health Fund Scheme, and son of the petitioner fell down from upstairs steps and suffered fracture on his right leg. Immediately, he was admitted for urgent medical assistance at Vivekanandha Hospital, Kadamalaikundu, Theni District. Son of the petitioner was treated in the said hospital and discharged. He filed an application for medical reimbursement. The said application was rejected on the ground that the treatment was taken in a non-listed hospital. Therefore, the petitioner is not entitled for medical reimbursement claim.

3. 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.

4. 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.

5. 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 fifth respondent in Ku.No.189/SePo/Pa/Peri/VuNiA/KaMe/ EniVu/Ko.MaSethi/2019 dated 04.06.2019 is hereby quashed. The respondents are directed to settle the



medical reimbursement claim of the petitioner as per his eligibility within a period of eight weeks form the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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4.The District Collector, Theni District.

5.The Executive Engineer,
TANGEDCO, Distribution/Periyakulam,
Theni District.

+1 CC to M/s.SPL GP (SR-5061[F] dated 09/02/2022)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-5135[F] dated 09/02/2022)

+1 CC to M/s.K.APPADURAI, Advocate (SR-4834[F] dated 08/02/2022)

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