



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.1968 of 2019

S.Navaretna Vasantha

... Petitioner

Vs.

- 1.The Director of Medical &
Rural Health Services,
Teynampet,
Chennai-600 006.
- 2.The Joint Director of Medical &
Rural Health Services,
Ayurveda Medical College Campus,
Nagercoil,
Kanyakumari District.
- 3.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai-600 015.
- 4.The District Treasury Officer,
Nagercoil,
Kanyakumari District.
- 5.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office,
Xavier Building,
Assecee Road,
Nagercoil,
Kanyakumari 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 passed by the fourth respondent in Na.Ka.No.21977/2015/L2 dated 18.10.2016 and quash the same as illegal and consequently direct the respondents to sanction a sum of Rs.1,93,561/- being the reimbursement of cost of emergency medical treatment taken for the petitioner's wife.



For Petitioner : Mr.T.Selvakumaran
For Respondent : Mr.D.S.Nedunchezian
Government Advocate
for RR1 to 4
No-appearance for R5

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O R D E R

The order impugned dated 18.10.2016 is sought to be quashed in the present writ petition.

2. Admittedly, the petitioner is a member of Health Fund Scheme, and she is paying the premium regularly. The husband of the petitioner suffered with heart attack and admitted in Bethesda Hospital, Nagercoil and the Doctors conducted ANGIO Gram, Angio Plast. The petitioner sustained medical expenditure of Rs.1,93,561/-. She filed an application for reimbursement which was rejected by the respondents on the ground that the hospital, in which the husband of the petitioner undertook treatment, is not listed in the approved hospital and therefore, the petitioner is not eligible for medical reimbursement.

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 fourth respondent in Na.Ka.No.21977/2015/L2 dated 18.10.2016 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

<https://hcservices.etim.gov.in/toservices/> receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

ssb

To

1. The Director of Medical &
Rural Health Services,
Teynampet, Chennai-600 006.
2. The Joint Director of Medical &
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Nagercoil, Kanyakumari District.
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+1 CC to M/s.SPL GP (SR-5064[F] dated 09/02/2022)

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-5102[F] dated
09/02/2022)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-5134[F] dated 09/02/2022)

W.P. (MD) No.1968 of 2019

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MK/18.02.2022/3P/9C