



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.294 of 2019
W.M.P (MD) .No.243 of 2019

Mundan

... Petitioner

Vs.

- 1.The Principal Secretary to Government of Tamil Nadu,
Department of Finance (Pension),
Secretariat, Chennai.
- 2.The Director,
Directorate of Medical and Welfare Services,
Chennai.
- 3.The Director of Treasuries and Accounts,
Panagal Building, 2nd Floor,
Saidapet, Chennai-15.
- 4.The District Collector,
Pudukkottai District.
- 5.The District Treasury Officer,
District Treasury Office,
Pudukkottai District.
- 6.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office-VI,
PLA Rathana Towers, 5th Floor,
212, Anna Salai, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent in O.Mu.No.16704/Kapil/3/2017 dated 02.04.2018 and quash the same as illegal and arbitrary and consequential direct the respondent to sanction and reimburse the medical expenses of Rs.75,350/- (Rupees Seventy Five Thousand Three Hundred and Fifty Only) incurred in the treatment to the petitioner's wife Mallika for removing part of her left leg toe at Dr.Mohan's Diabetes Specialities Centre, Chennai, along with 9% interest till the date of payment, at the once.



For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.A.K.Manikkam
Additional Government Pleader
for RR1 to 5
No-appearance for R6

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O R D E R

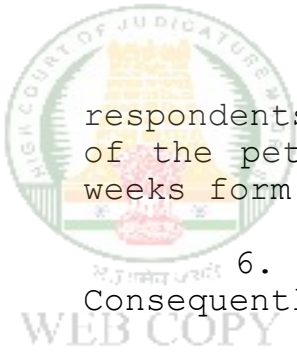
The order impugned dated 02.04.2018 is sought to be quashed in the present writ petition.

2. The petitioner, admittedly, is a member of Medical Reimbursement Scheme and a pensioner. His wife namely Mallika suffered severe pain in her left toe and became unconscious. The relatives of the petitioner immediately admitted her in nearby hospital namely Dr.Mohan's Diabetes Specialities Centre, Chennai on 16.04.2015, wherein, the Doctor diagnosed her left toe severally damaged, due to infection and blood sugar levels. The wife of the petitioner undergone surgery, her left toe was removed and she was discharged on 22.04.2015. The petitioner submitted an application for medical reimbursement and the said application was rejected on the ground that the hospital was not included in the approved list of hospitals.

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 second respondent in



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.

6. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Principal Secretary to Government of Tamil Nadu,
Department of Finance (Pension),
Secretariat, Chennai.

2.The Director,
Directorate of Medical and Welfare Services,
Chennai.

3.The Director of Treasuries and Accounts,
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4.The District Collector,
Pudukkottai District.

5.The District Treasury Officer,
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Pudukkottai District.

6.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office-VI,
PLA Rathana Towers, 5th Floor,
212, Anna Salai, Chennai.

+1 CC to M/s.SPL.GP (SR-4981[F] dated 09/02/2022)

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-5477[F] dated 10/02/2022)

W.P. (MD) No.294 of 2019

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MK/18.02.2022/3P/9C

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