



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4963 of 2019

K.Jeyalakshmi

... Petitioner

Vs.

1.The Director of Pension,
259, Anna Salai,
DMS Compound,
Chennai-600 006.

2.The Joint Director of Health Services,
Thoothukudi,
Thoothukudi District.

3.The Treasury Officer,
District Treasury,
Thoothukudi.

4.The United India Insurance Company Limited,
Divisional Office 010600,
5th Floor, PLA Rathna Tower,
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 relating to the proceedings of the third respondent made in Na.Ka.No.2827/2017/Ra3 dated 23.06.2017 and quash the same and consequently direct the respondents 1 to 3 to settle the medical expenses of the petitioner's deceased husband to the tune of Rs.84,190/- with interest.

For Petitioner : Mr.M.Suresh Kumar

For Respondent : Mr.M.Ramesh
Government Advocate
for RR1 to 3
No-appearance for R4



O R D E R

The order impugned dated 23.06.2017 reveals that the medical reimbursement claim of the petitioner was rejected on the ground that the husband of the petitioner undertook treatment in a non-network hospital.

2. Admittedly, the husband of the petitioner was a pensioner and eligible for reimbursement. He was suddenly admitted in the hospital at the age of 76 and undertook treatment in nearby hospital at Laxmi Poly clinic, Tuticorin. He was taking treatment as in-patient from 28.08.2014 to 07.09.2014. Surgery was conducted on 29.08.2014 and the discharge summary would reveal the nature of surgery undergone by the husband of the petitioner. The husband of the petitioner subsequently died on 13.02.2015. Thereafter, the petitioner filed an application for medical reimbursement claim. The claim petition was rejected on the ground that the treatment was taken by the husband of the petitioner in a non-network hospital.

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.2827/2017/Ra3 dated 23.06.2017 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.



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

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Director of Pension,
259, Anna Salai,
DMS Compound,
Chennai-600 006.

2.The Joint Director of Health Services,
Thoothukudi,
Thoothukudi District.

3.The Treasury Officer,
District Treasury,
Thoothukudi.

4.The United India Insurance Company Limited,
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+1 CC to M/s.A.SHAJAHAN, Advocate (SR-5133[F] dated 09/02/2022)

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-5268[F] dated
10/02/2022)

+1 CC to M/s.SPL.GP (SR-4997[F] dated 09/02/2022)

W.P.(MD) No.4963 of 2019

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MGJ(22.02.2022) 3P 8C