



W.P.(MD)No.13275 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13275 of 2022

M.Ramasubbu

... Petitioner

Vs

- 1.The Superintending Engineer,
TANGEDCO,
Thoothukudi Electricity Distribution Circle,
Thoothukudi – 628 002.
- 2.The Joint Director of Health Services,
No.166, North Beach Road,
Fisheries Campus,
Thoothukudi – 628 001.
- 3.M/s.United India Insurance Company Limited,
Represented by Sr.Divisional Manager,
Divisional Office – VI,
5th Floor, PLA Rathna Towers,
212, Anna Salai,
Chennai – 600 006.
- 4.M/s.Ponra Multi Specialty Hospital,
Represented by its Director Dr.C.Ponraj,
66G/3, Vasantham Nagar,
Near New Bus Stand (South),
Tirunelveli – 627 005.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent herein to accept the petitioner's application of reimburse the medical bill Rs.1,34,335/- for the treatment of the petitioner taken in the fourth respondent hospital with 12 percent rate of interest from the date of application dated 26.12.2018 to the actual date of payment by accepting the consolidated cash bill and payment receipt issued by the 4th respondent hospital dated 25.11.2018.

For Petitioner : Mr.K.Vamanan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R.1

Mr.C.Karthick for R.3

Mr.T.Selvan
for Mr.Dhanapal for R.4

ORDER

Heard the learned counsel on either side.

2. The petitioner is working as Assistant Executive Engineer in TANGEDCO. The petitioner was suffering from a particular ailment and he had to undergo surgery. He was admitted in the fourth respondent Hospital on 19.11.2018 and surgery was conducted and he was discharged on 25.11.2018. The petitioner had spent a sum of Rs.1,69,143/- (Rupees One Lakh Sixty Nine Thousand One Hundred and Forty Three only) towards his treatment. He



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applied for reimbursement. The third respondent is the insurer. The third respondent returned the petitioner's claim application by citing certain defects. The petitioner moved the District Level Empowered Committee. The District Level Empowered Committee approved the petitioner's claim and directed the third respondent to honour the same. Even thereafter, certain other defects were pointed out. By the impugned communication dated 02.12.2021, the petitioner's claim was once again returned on the ground that the original cash paid receipts are not in correct format and that the receipts issued in the name of Hospital letter head cannot be accepted. Challenging the same, the present writ petition has been filed.

3. The learned Standing Counsel appearing for the insurer reiterated the stand taken in the communication dated 02.12.2021.

4. I do find considerable force in the contention of the learned Standing Counsel for the insurer that the receipt issued by the fourth respondent is not having any receipt number. The learned Standing Counsel would state that only when the receipts issued by the Institution is having continuous numbers, then alone there will not be tax evasion.

5. Be that as it may, the petitioner cannot be blamed. The fourth respondent is a recognised network Hospital. The petitioner has gone to a



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Hospital which is recognised by TANGEDCO as well as the Insurance Company. The Hospital had issued a certificate clearly stating that the petitioner had paid a sum of Rs.1,34,335/- (Rupees One Lakh Thirty Four Thousand Three Hundred and Thirty Five only). The entitlement of the petitioner for reimbursement is not in doubt and the payment is confirmed by the Hospital. The insurer is not justified in declining to honour the claim. It is open to the insurer to issue appropriate instructions to the fourth respondent Hospital for observance in future. The insurer can even tell the fourth respondent that if the receipts are not having numbers, then it will not be recognised as a network hospital, but that is for the future. As already noted, the petitioner cannot be made to suffer.

6. The third respondent is directed to honour the petitioner's claim and make the reimbursement. This shall be done within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to re-present the claim forms along with the relevant enclosures before the third respondent. On receipt of the same, the third respondent will reimburse the eligible amount within a period of four weeks thereafter.



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7. This writ petition is allowed on these terms. No costs.

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Index : Yes / No

Internet : Yes/ No

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