



W.A.No.861 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

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1.Government of Tamil Nadu
Rep.by Secretary to Government
Health and Family Welfare (B2) Department
Fort St.George, Chennai - 600009.

2.The Director of Medical Education
Kilpauk, Chennai - 600 010.

... Appellants

-Vs-

Dr.K.Nagappan

... Respondent

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in W.P.No.27755 of 2005 dated 13.06.2019.

For Appellant	:	Mr.S.Sudarshan for Mr.S.Subramanian
For Respondents	:	Mr.K.V.Sajeev Kumar Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This writ appeal has been directed against the order passed by the writ Court dated 13.06.2019 made in W.P.No.27755 of 2005.



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2. The respondent was a Tutor working in the Anatomy Department of Kilpauk Medical College, Chennai. In the month of March 1998, the respondent since had developed some heart issues viz., Coronary Artery Disease with unstable Angina, he was admitted in a private hospital viz., Apollo Hospital, Chennai from 07.03.1998 to 16.03.1998, where he had undergone Coronary Angioplasty. The total medical bill was Rs.2,63,539/-.

3. In order to claim the medical bill in entirety when he made a request under the Medical Reimbursement Scheme for employees and retirees of Tamil Nadu Government, the same has been rejected restricting the claim only to a smaller amount. The main reason and contention of the appellant Department for rejecting the said claim made by the respondent was that the respondent himself since is a doctor and has been working in a reputed Medical College Hospital in the city of Chennai, where cath lab machines and other medical facilities are very much available to perform well advanced heart treatment of Angioplasty, he could have taken the treatment in the Government Hospital, instead on his own since he had gone to a private hospital and got admitted, where he had taken the treatment by which unnecessary spending has been made. That kind of approach of the respondent himself being a doctor working in a Government hospital in Chennai city cannot be accepted and therefore on that ground, the request made by the respondent had been rejected.



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4. As against the said rejection, he filed a writ petition before the writ court.

The said writ petition was considered by a learned Judge, who allowed the same by the order impugned dated 13.06.2019, against which the present appeal has been directed.

5. Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the appellants has pointed out that the availability of the medical facilities in the very hospital itself where the respondent was working, was ignored by him and he had claimed that there was no such facility available in the Government Hospital in Chennai and therefore he had taken treatment in the private hospital, is beyond truth. In this context, the relevant portion of the counter affidavit filed by the appellant Department / respondents before the writ Court has been relied upon by the learned Special Government Pleader, which reads thus.

" It is submitted that the petitioner himself has committed that in a very serious and emergent and critical conditions with an angina he was rushed to Apollo Hospital since the treatment is not available in the Government hospitals but the first paragraph of G.O.Ms.No.467, Health and Family Welfare Department dated 19.08.1998 itself it has been stated that in the Government General Hospital, Chennai very good cath lab machines are available to perform well advanced heart treatment of Angioplasty. The indication of Percutaneous Transluminal Coronary Angioplasty (PTCA) in the G.O.Ms.No.423, Health and Family Welfare Department dated 22.06.1995 itself establish that the facility is available in Government Hospital."



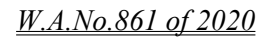
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6. Relying upon this communication, the learned Special Government Pleader would contend that, therefore the stand taken by the appellant Department before the writ Court ought to have been accepted by the learned Judge. However, the learned Judge has erroneously rejected the same through the impugned order. Hence, the impugned order is liable to be set aside, he contended.

7. We have heard Mr.S.Shiv Surya, learned counsel and Mrs.A.L.Gandhimathi, learned Senior Counsel for the respondent.

8. Insofar as medical reimbursement scheme is concerned, all the Government employees are compulsorily made the members of the Scheme and they make their contribution every month which would be deducted from their salary by the employer. The scheme itself has been implemented by the Government to give the maximum facilities to the Government employees to take treatment for all diseases, especially the medical need at the time of emergency.

9. Even though the respondent is a doctor by himself and had been working in a Government Medical College Hospital in Chennai, not only himself but also the family members of him has to take a decision at the golden hour to take treatment in any hospital according to their choice.



11. Therefore, the medical reimbursement which is sought for by the respondent to the extent of Rs.2,63,539/- ought to have been considered and allowed by the appellant Department. However, by citing the said reason that the similar treatment facilities are available in Government hospital and therefore on that ground the claim made by the respondent cannot be accepted and accordingly if it is rejected, that kind of approach made by the appellant department cannot be approved because, it goes against the very scope of the medical reimbursement scheme.

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already being implemented, without exhausting the same since the appellant Department has abruptly rejected the claim of the respondent / writ petitioner, he had rightly approached the writ Court and the learned Judge, having considered the same, has allowed the writ petition.

13. Therefore, we do not find any error in the approach of the learned Judge as well as his conclusion. In result, the writ appeal fails and the same is accordingly dismissed. No costs.

(R.S.K.,J..) (G.A.M.,J.)
19.10.2023

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