



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1680 of 2023

Mr.I.Thilagaraj Christopher

Petitioner

vs.

- 1.State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Department of Finance,
Fort St. George, Chennai – 9.
- 2.The Joint Director of Medical and Rural Health Services,
Office of the Joint Director of Medical and Rural Health Services,
Kallakurichi,
Kallakurichi District.
- 3.The District Level Empowered Committee,
Rep. by the District Collector,
Kallakurichi District.
- 4.The Block Educational Officer,
Rishivandhiyam Union,
Kallakurichi District – 605 757.
- 5.The District Treasury Officer,
District Treasury,
Villupuram,
Villupuram District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus, Call for the records pertaining to



the Impugned order in Na.Ka.No.3852/MaKu/2022 dated 12.10.2022 on the file of the Respondent No. 2, quash the same, consequently, directing the Respondents to provide medical reimbursement to the tune of Rs.2,92,520/- (Two Lakh Ninety Two Thousand Five Hundred and Twenty Rupees) to the petitioner with interest at the rate of 12% per annum for the delayed payment in the light of the Judgment of the Hon'ble Supreme Court in Shiva Kant Jha Vs Union of India reported in AIR 2018 SC 1975 and the Judgment of the Honb'le Madurai Bench of Madras High Court in W.P. (MD) No.13429 of 2013 dated 28.05.2019 within the time period that may be stipulated by this Court.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

Considering the scope of relief sought for in this writ petition and the urgency involved, the main writ petition itself is taken up for final hearing on consent given by either side.

2.The petitioner has challenged the impugned proceedings of the 2nd respondent dated 12.10.2022, wherein, the 2nd respondent has rejected the medical reimbursement that was sought for by the petitioner to the tune of Rs.2,92,520/- along with interest.



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3. The case of the petitioner is that he was working as a Secondary Grade Teacher and during the year 2020, he fainted when he was in duty and he was immediately rushed to the nearby hospital. Unfortunately, the petitioner was diagnosed to have Renal Cell Carcinoma (Cancer) and the petitioner underwent immediate medical treatment. The petitioner was given treatment at Royal Hospital situated at Tirunelveli and the petitioner incurred medical expenses to the tune of Rs.2,92,520/-.

4. The petitioner applied for medical reimbursement on 18.01.2021 through proper channel and ultimately, the claim was placed before the 2nd respondent. The 2nd respondent through impugned proceedings dated 12.10.2022 rejected the claim made by the petitioner for medical reimbursement in the following manner:

The patient admitted with the diagnosis of Right Renal Cell Carcinoma with IVC tumor Thrombus in a non-network hospital. The said diagnosis and line of management is not an emergency and hence the claim cannot be considered as per the G.O.202, dated 30.06.2016 issued by the Finance (Salaries), Govt. of Tamilnadu.



5. Aggrieved by the above order passed by the 2nd respondent, the present writ petition has been filed before this Court.

6. Heard Mr.K.Thilageswaran, learned counsel appearing on behalf of the petitioner and Mr.Stalin Abhimanyu, learned Additional Government Pleader appearing on behalf of the respondents.

7. There is no dispute with regard to the fact that the petitioner was diagnosed to be suffering from Right Renal Cell Carcinoma. Considering the seriousness of the cancer suffered by the petitioner, immediate treatment was given to the petitioner and the petitioner incurred expenses to the tune of Rs.2,92,520/-. It is now stated in the affidavit filed in support of the writ petition that the cancer has now spread to the spinal chord and the lungs of the petitioner and the petitioner is deteriorating every day. When such is the seriousness of the health condition of the petitioner, it is quite unfortunate that the 2nd respondent has come to a conclusion that there was no emergency involved in the case and since the petitioner had undergone treatment in a non-network hospital, the petitioner is not entitled to claim for medical reimbursement.



8. This Court had an occasion to deal with similar cases in a batch of writ petitions in W.P(MD) Nos.13429 etc., of 2013 and an order was passed on 28.05.2019. The writ petitions were disposed of by issuing the following directions:

80. In order to reconsider all these claim made by the respective writ petitioners for medical reimbursement, by remitting the matters back, the following directions are issued:

(i) All the impugned orders in the respective writ petitions in this batch of cases, are hereby quashed.

(ii) The writ petitions where impugned orders are quashed as well as the writ petitions where mandamus sought for, are hereby remanded with directions to the concerned District Level Empowered Committee, before whom, these matters shall be placed and the Committee shall reconsider every individual case.

(iii) While reconsidering, the Committee shall not reject any claim merely on the reason of non network hospital or non listed disease.

(iv) The Committee, wherever possible, shall give suitable direction to the Insurance Company to



reimburse the claim made by the respective claimant / employee / pensioner.

(v) If the Committee finds some cases where the Insurance Company cannot be directed to reimburse, in those cases, suitable orders shall be passed directing / recommending the State authorities to reimburse the claim under Medical Attendance Rules.

(vi) Once such orders are passed, the Insurance Company shall immediately reimburse the medical claim with 6% interest from the date of due till date of payment, within a period of thirty days from the date of receipt of such order to be passed by the Empowered Committee of the District concerned.

(vii) On receipt of such orders / recommendation from the Empowered Committee, the Sanctioning authority / State authority / High Power Committee in the State Level shall pass necessary orders allowing the medical reimbursement claimed by the individual claimant / employee / pensioner under the Medical Attendance Rules.

(viii) While ordering medical reimbursement under Medical Attendance Rules, the rate approved,



accepted or quoted by the Insurance Company under the Medical Insurance Scheme shall be taken as the rate and by calculating the reimbursement on the said rate, the reimbursement claim shall be immediately sanctioned and the amount shall be reimbursed to the claimant with 6% interest from the date of due till date of payment, within a period of thirty days from the receipt of the recommendation / order from the District Empowered Committee.

9.It is clear from the above directions that the rejection of a claim cannot be made merely for the reason that the person concerned had undergone treatment in a non-network hospital. Such mechanical rejection of claims can cause serious prejudice to the affected person. The petitioner in this case was working as a Secondary Grade Teacher and to incur expenses to the tune of nearly three lakhs, will be a huge dent in the savings of the petitioner. Such medical reimbursement must be made by considering cases in a more humane manner instead of unnecessarily getting caught into technicalities.

10.The reason that has been assigned by the 2nd respondent in rejecting the claim made by the petitioner is illegal and it runs contrary to the judgment of this Court, mentioned *supra*. In view of the same, this Court has no hesitation to interfere with the impugned order dated 12.10.2022 passed by the 2nd



respondent and accordingly, the same is hereby quashed.

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11. In the result, this writ petition is allowed and there shall be a direction to the 2nd respondent to immediately sanction the medical reimbursement of the petitioner to the tune of Rs.2,92,520/- and the same shall be paid with an interest of 10% per annum from the date of the claim till the date of the settlement of the amount. This payment shall be made, within a period of four weeks from the date of receipt of copy of this order. No Costs.

24.01.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

SSR

Note: Issue Order Copy on 30.01.2023

To

1. The Additional Chief Secretary to Government,
Department of Finance,
Fort St. George,
Chennai – 9.
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Office of the Joint Director of Medical and Rural Health Services,
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Kallakurichi District.

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N. ANAND VENKATESH, J.

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