



WEB COPY



WP No. 22026 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM :

THE HON'BLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Writ Petition No. 22026 of 2017

and

WMP.No. 23077 of 2017

T. Panneerselvam

.. Petitioner

Versus

1. The Deputy Inspector General
Central Industrial Security Force
G-14, Block-16
Jawaharlal Nehru Salai
Cuddalore District.

2. The Assistant Commandant
Central Industrial Security Force
G-14, Block-16
Jawaharlal Nehru Salai
Cuddalore District.

3. The Managing Director
Neyveli Lignite Corporation
Neyveli, Cuddalore.
[R3 *suo motu* impleaded as
per order dated 18.08.2017]

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings in Ref: 18015/NGF/Med/17/4294, dated 01.07.2017 on the file 2nd respondent and quash the same as illegal, incompetent and ultravires and consequently, direct the respondents to



WP No. 22026 of 2017

reimburse a sum of Rs.98701/- as medi-claim by considering the petitioner's application dated 17.02.2017.

For Petitioner : Mr. R. Jayaprakash
For RR 1 & 2 : Mr. K. Srinivasamurthy, CGC
For R3 : Mr.N. Nithianandam

ORDER

This writ petition is filed for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings in Ref: 18015/NGF/Med/17/4294, dated 01.07.2017 on the file 2nd respondent and quash the same as illegal, incompetent and ultravires and consequently, direct the respondents to reimburse a sum of Rs.98701/- as medi-claim by considering the petitioner's application dated 17.02.2017.

2. The case of the petitioner is that he was originally serving at the Central Industrial Security Force Unit, Chennai and later, he was transferred to Neyveli Lignite Corporation, Neyveli in the year 2016 and provided with Allotment No.844491123. During the course of his employment, the petitioner subscribed to a scheme formulated by the employer for reimbursement of medical expenses. As per the scheme, the dependents of the employee are entitled for free medical treatment at the empaneled Hospital of



WP No. 22026 of 2017

NLC India Limited. At this juncture, when he was working in Central Industrial Security Force Unit, Chennai (CPCL), Chennai, his wife, namely, Amutha was diagnosed with Cervix Cancer. Subsequently, she was referred to MIOT International Hospital by the medical practitioners at CPCL, Chennai where she was taking treatment from 20.06.2015 till June, 2016. During the period of treatment DJ Stenting of left ureter was also done. While so, the writ petitioner was transferred from CPCL, Chennai to Neyveli Lignite Corporation in the month of June, 2016. On 08.08.2016 his wife underwent severe abdomen pain and the writ petitioner immediately taken her to Neyveli Lignite Corporation Hospital. She was treated for four long days and was referred to JIPMER Hospital, Pondicherry. Initially, the petitioner's wife took treatment in MIOT Hospital and therefore, he had requested the referral committee to refer her back to MIOT Hospital but his claim was rejected. However, he took her to JIPMER Hospital on 18.08.2016. His wife's condition turned worse day by day and on 20.08.2016 he took her to the Cancer Institute, Adyar, Chennai. After going through the medical records of the previous treatments taken by her at the MIOT Hospital, the doctors at Cancer Institute, Adyar, advised him to take her back to MIOT Hospital and continue the treatment. Therefore, the petitioner requested the Neyveli Lignite Corporation Hospital Authorities to refer his wife to MIOT Hospital but it was not done. Finally, he took her to a



WP No. 22026 of 2017

private hospital, namely, KKR Hospital in Chennai for treatment from 24.08.2016 to 03.09.2016. Thereafter, the Neyveli Lignite Corporation Hospital Authorities consulted with the urologist to decide about the claim of the petitioner to refer his wife to a better institution for treatment and ultimately, the referral committee directed him to go to JIPMER Hospital in spite of the advice of the Cancer Institute to give further treatment at MIOT Hospital itself. The petitioner sent a representation to the Neyveli Lignite Corporation Authorities to send his wife to MIOT Hospital for treatment but both NLC Authorities and the referral committee neither took any step nor accepted his claim to admit his wife at MIOT Hospital.

3. It is pertinent to point out that at the first instance his wife had been referred to MIOT Hospital and later after taking treatment at the MIOT Hospital, she was admitted in JIPMER Hospital as the referral committee refused to admit his wife at MIOT Hospital. Therefore, the petitioner admitted his wife at a private hospital, namely, KKR Hospital, Chennai and incurred medical expenses of Rs.98,701/-. Thereafter, the petitioner sent an application dated 17.02.2017 to the respondents for medical reimbursement and the same was rejected by the respondents stating that the treatment was not taken in empanelled hospitals. Therefore, the writ petitioner has come forward with the



present writ petition under Article 226 of the Constitution of India.

WEB COPY

4. A counter affidavit has been filed by the 3rd respondent wherein it has been stated that the petitioner is an employee of the 1st respondent. The respondents 1 and 2 are providing security services on consideration basis. Pursuant to the same, a Memorandum of Understanding was entered into between the third respondent and the 1st respondent on 27.10.2011. The relevant Clause 20 of the Memorandum of Understanding provides for extending medical facilities to the members of the respondents 1 & 2 deployed in the third respondent organization. Clause 20 reads as follows:-

The client organization shall provide medical facilities to the CISF personnel and their families strictly at par with their own employees.

The Client Organization shall also reimburse the medical claims of family members of CISF personnel who are staying away from the unit at par with the rates given to their own employees.

These will include the families of personnel staying with them. In case of hospitalization/injury of CISF personnel while on duty, the Client Organization will bear the cost at the rate at par to their own employees.



WP No. 22026 of 2017

WEB COPY

5. It was further stated in the counter affidavit that, it is evident from the said Clause in the Memorandum of Understanding that the medical facilities are extended to members of the CISF at par with the employees of the third respondent. The third respondent has its own Government and private referral hospitals for extending the medical facilities to its employees and others. The medical facilities availed by them other than the list of referral hospitals is impermissible. The petitioner was deputed in the respondent Organization on 06.06.2016. Immediately, thereafter, the petitioner's wife Smt. P. Amudha was issued with medical treatment at par with the NLCIL employees. Pursuant to the request of the petitioner, his wife was referred to JIPMER and MIOT hospitals, which are under empanelment with NLCL hospital at par with the NLCL employees. The details of reference to JIPMER hospital and expenditure incurred are as follows:-

a. Ref No.54899/JIP/2016 DT 17.08.2016

(i) Diagnosis:

Carcinoma cervix stage IV
(Progressive disease/
Left HUN/Stent in situ)

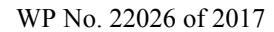
(ii) Period of Treatment:

19.08.2016 to 19.08.2016

(iii) Ref expenditure Rs.391/-

The details of reference to MIOT Hospital and expenditure incurred are as follow:-

a. Ref. No. 56065/MIO/2016, dated 23.11.2016



- Total referral expenditure incurred in MIOT Hospital is Rs.4,82,846/- and the total referral expenditures incurred in MIOT and JIPMER hospitals by the answering respondent is Rs.4,83,237/-. As such, it is evident that the petitioner was extended all medical facilities to his wife as per the applicable Rules and the Memorandum of Understanding. The averments to the contrary are denied.

6. It is submitted that the petitioner incurred expenses in a private hospital, namely, KKR Hospital, Chennai, which is not in the list of referral hospitals (both Private/Government) of the third respondent. Therefore, the petitioner is not entitled to take treatment in the hospitals other than list of



WP No. 22026 of 2017

referral hospitals which is well known to the petitioner. Therefore, the alleged claim made in the writ petition is unsustainable and the writ petition deserves to be dismissed as devoid of merits.

7. I have considered the said rival submissions made by the learned counsel for both sides and perused the materials placed on record.

8. After taking treatment for his wife, the petitioner submitted medical bills to the tune of Rs.98,701/- to the respondents 1&2 Authority on 17.02.2017 and the same was forwarded to the third respondent/Neyveli Lignite Corporation, Neyveli vide the office letter NO. 1424 dated 14.03.2017, but the same medical bill was returned by the third respondent vide proceedings Ref: 18015/NGF/Med/17/4294, dated 01.07.2017 on the file 2nd respondent due to the following observations:-

"The name of the hospital is not covered in the list of hospitals (Government Hospital, Private Hospital) reimbursement request is not permitted as per Rules and the list of hospital." Hence, his medical claim in original along with supporting documents is returned.

9. Pursuant to which, the petitioner has made an attempt before the respondents to get the medical reimbursement by making representation. Since the same has not been considered, he has approached this Court by filing the



WP No. 22026 of 2017

present writ petition with the aforesaid prayer.

10. According to the 3rd respondent the hospital in which petitioner's underwent treatment does not find place in the approved list of hospitals and therefore, the request for sanction of the medical reimbursement cannot be entertained.

11. The petitioner is a member of the CISF, whose service has been deputed to the Neyveli Lignite Corporation. On such deputation, the petitioner cannot meddle with anything directly with the Neyveli Lignite Corporation, without the concurrence or through its employer viz. CISF. Therefore, on the part of the petitioner, he has rightly done the submission of the bills by 17.02.2017 to the CISF and it is the duty of the CISF before forwarding the same to the NLC to get a clarification in order to avoid technical issues in future. Therefore, a clarification was sought for and thereafter, it has been forwarded to the NLC. Thus, it should be treated only as continuous process after submission of the bill on the part of the petitioner, both by the CISF as well as NLC. Here, the petitioner is not the direct employee of Neyveli Lignite Corporation as he is only a deputationist, therefore, the bills have to be necessarily routed through the CISF who is the employer of the petitioner and that has been done in this case. Therefore, this Court has no hesitation to hold that the reasons stated by the NLC in returning medical bills of the petitioner are untenable and in that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:-



WP No. 22026 of 2017

There shall be a direction to the respondents especially the CISF to forward the medical bills of the petitioner once again to the NLC with all necessary clarification already received from the petitioner within a period of four weeks from the date of receipt of a copy of this order and on receipt of such bills from the CISF, the Neyveli Lignite Corporation shall process the same and pass necessary orders for medical reimbursement as per his claim depending upon his eligibility and other conditions. The above exercise, as indicated above, shall be undertaken by the Neyveli Lignite Corporation on receipt of the bills from CISF within a period of four weeks thereafter.

12. With the above directions, the writ petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

17.03.2023

Index: Yes/ No
Speaking Order : Yes/No
Neutral Citation : Yes/No
msm



WP No. 22026 of 2017

WEB COPY

To

1. The Deputy Inspector General
Central Industrial Security Force
G-14, Block-16
Jawaharlal Nehru Salai
Cuddalore District.
2. The Assistant Commandant
Central Industrial Security Force
G-14, Block-16
Jawaharlal Nehru Salai
Cuddalore District.
3. The Managing Director
Neyveli Lignite Corporation
Neyveli, Cuddalore.
[R3 *suo motu* impleaded as
per order dated 18.08.2017]



WEB COPY



WP No. 22026 of 2017

V.BHAVANI SUBBAROYAN, J.

msm

W.P.No. 22026 of 2017

21.03.2023