



W.P.No.24434 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24434 of 2017

R.S.Umamaheswaran

...Petitioner

-Vs-

1. State of Tamil Nadu,
Rep. by The Home Secretary,
Fort Saint George, Chennai-9.
2. State of Tamil Nadu,
Rep. by The Secretary,
Health and Family Welfare Department,
Fort Saint George, Chennai-9.
3. The Chairman cum Managing Director,
The United India Insurance Company Ltd.
No.24, Whites Road, Chennai-14.
4. The Chairman cum Managing Director,
Appollo Group of Hospitals,
No.21, Greams Lane off Greams Road,
Chennai-6.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to direct all the respondent jointly or severally refund to the petitioner, the amount of



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Rs.2,54,302/- paid by the petitioner to the 4th respondent for treatment and therein.

For Petitioner : Mr.V.T.Narendiran

For Respondents :
(for R1& R2) : Mrs.P.RajaRajeswari, Govt.Advocate
(for R3) : Mr.S.Arun Kumar
(for R4) : Mr.S.Dayaleeswaran

ORDER

The relief sought in the present writ petition is to direct the respondents to refund the petitioner, an amount of Rs.2,54,302/-, paid by the petitioner to the 4th respondent/Appollo Hospital for treatment.

2.The petitioner states that he is running Petromax Gas Light Shop and was aged about 63 years at the time of filing of the present writ petition. He had heart ailments and on consultation with the Doctor, he had undergone bypass surgery.

3.The grievances of the petitioner is that he is a member of the Chief Minister's Free Health Insurance Scheme and he had registered his name under the scheme. Therefore, he is entitled for the medical



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reimbursement under the scheme for the heart surgery underwent by him.

The learned counsel for the petitioner states that when the petitioner is found eligible under the Chief Minister's Free Health Insurance Scheme and underwent heart surgery, the authorities ought to have considered the case of the petitioner for refund of the medical expenditure sustained by the petitioner. In the present case, the petitioner submitted a representation for seeking refund of the treatment and it was not considered by the authorities and therefore, the petitioner is constrained to move the present writ petition.

4.The learned counsel appearing on behalf of the respondent/Insurance Company contended that the petitioner had not registered his name at the time of admission in the Appollo Hospital. The procedure as contemplated under the scheme is to register the name before taking the treatment, at the time of admission in any hospital, and due authorisation must be given to the competent authorities for taking treatment. In the absence of following any such procedure, the insurance company is not in a position to consider the case of the writ petitioner.



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5.The Government filed a counter and as per the counter affidavit, it is stated that on enrolling under the scheme, the beneficiary will be given an identity card with a unique Identity Number. In order to avail the scheme, the beneficiary has to choose one of the empanelled hospitals for treatment and at the time of admission must submit his Identity Card and that way the relief has to be given under the scheme by the treating Doctor. If he is found eligible, the treating Doctor will then forward the claim to the Insurance Company for pre-authorisation. On availing the pre-authorisation, the patient will be treated under the scheme after which the claims will be settled expeditiously.

6.In the present case, the petitioner has sent a representation dated 18.04.2016, alleging that the 4th respondent/Appollo Group of Hospitals had denied him treatment under the Chief Minister's Free Health Insurance Scheme and had charged him Rs.2,54,302/- for his treatment and other medical expenses. The petitioner claimed a refund of the amount spent by him in the 4th respondent Hospital.

7.On receipt of the representation, it was forwarded to the Tamil Nadu Health Systems Project to inquire into the complaint. An inquiry



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meeting was conducted on 21.12.2006, in presence of the officers of Apollo Hospital and United India Insurance Company Limited and the officials of the State Health Insurance Unit and Tamil Nadu Health Systems Project. During the inquiry, the 4th respondent denied the allegations that at the time of admission itself the petitioner had requested to be treated under the said Chief Minister's Free Health Insurance Scheme. The 4th respondent has stated that the petitioner had inquired about the scheme only subsequent to the availing of treatment and there was no provision for refund of the amount already paid to the hospital.

8. Providing free treatment under the welfare scheme is a concession extended to the citizens. Therefore, such schemes are to be implemented scrupulously with reference to the terms and conditions stipulated. In the case of the petitioner, an inquiry was conducted by the competent authority on the 4th respondent/Apollo Hospital and more so, an inquiry meeting was conducted. It was found that the petitioner had not obtained any previous authorisation which is a pre-condition for availing the benefit. That apart, the Government cannot refund the money. The Government has to provide the authorisation for the purpose of taking



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treatment and the hospitals have to claim charges from the Government in the manner known to law.

9.Since the petitioner has not followed the procedures before undergoing the treatment with reference to the terms and conditions stipulated, the relief as such sought cannot be granted. Accordingly, the writ petition stands **dismissed**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

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