



W.P.(MD)No.6771 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6771 of 2023

and

W.M.P.(MD)No.6348 of 2023

E.M.Subramaniyan

... Petitioner

Vs.

1.The Government of Tamilnadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai.

2.The Additional Director of Medical and
Rural Health Services,
O/o. Additional Director of Medical
and Rural Health Services,
Chennai 6.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Additional Treasury Officer,
Department of Treasury and Accounts,
District Treasury, Tirunelveli,
Tirunelveli District.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.9127/ N 1/ 2019 dated 20.01.2020 on the file of the Respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondents to disburse the sum of Rs.53,699/- together with further interest under Medical Reimbursement Scheme .

For Petitioner : Mr.S.Lenin Prabhu

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a retired School Teacher. His wife suffered respiratory failure during November 2018. She was therefore admitted in Senthoor Hospital, Palayamkottai. A sum of Rs.53,699/- was spent towards her treatment. She subsequently died. The petitioner applied to the respondents for reimbursement. The fourth respondent returned the claim for the following two reasons:-



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“(a) The petitioner's wife took treatment in non-network hospital.

(b) The treatment procedure was not an approved one”

Challenging the order dated 20.01.2020 whereby the petitioner's claim was returned, the present writ petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents. According to the respondents, the impugned order does not warrant interference because it is in consonance with the new health insurance scheme. He pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. The respondents will be justified in applying the norms mentioned in the impugned order only if the medical condition



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was not emergent. Where there has been respiratory failure, the response has to be immediate. The employee cannot be expected to look for network hospital. Therefore, the petitioner cannot be faulted for having admitted his wife in a non-network hospital. Probably, that was one the nearest available. Once the patient has been admitted in a hospital, there can be no control over the treatment accorded. In any event, the claim in this case is very small sum. Considering the emergent medical condition in which the petitioner's wife found herself, the order impugned in this writ petition is set aside. The petitioner is permitted to resubmit his claim before the fourth respondent. The fourth respondent shall process the same and pay the same to the petitioner provided it falls within the ceiling norms.

6.This writ petition is allowed on these terms. No costs.
Consequently, connected miscellaneous petition is closed.

12.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:-

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and Rural Health Services,
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G.R.SWAMINATHAN,J.

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