



W.P.(MD)No.21572 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21572 of 2021

and

W.M.P.(MD)No.18128 of 2021

Sarmila

... Petitioner

-VS-

1.State of Tamil Nadu

Represented by the Principal Secretary,
Health and Family Welfare Department,
State Secretariat, Fort St. George,
Chennai - 600 009.

2.The Directorate of Medical Education,

Represented by the Director,
The Directorate of Medical Education,
162, E.V.R. Periyar Road, Kilpauk,
Chennai - 600 010.

3.The Project Director,

Chief Minister's Comprehensive Health Insurance Scheme,
No.226, Om Sakthi Towers,
Kilpauk Garden Road,
Kilpauk, Chennai - 600 010.

4.The Director (PG),

Department of Consumer Affairs,
Government of India,
Krishi Bhawan,
New Delhi – 110 001.

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5.The Dean,
Velammal Medical College Hospital,
Velammal Village, Anuppanadi,
Madurai - 625 009.

6.The Joint Director,
Health and Rural Services,
Madurai District @ Usilampatti.
[R6 is *suo motu* impleaded vide order of this
Court dated 20.11.2023]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to reimburse the fees, which was paid by the petitioner to the fifth respondent Hospital as per G.O.(Ms)No.231, dated 07.05.2021, issued by the first respondent Department and to provide the details and reports to the petitioner regarding the treatment given to the petitioner's husband date wise from 18.08.2020 to 05.09.2020 in the fifth respondent Hospital, in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For R1 to R3 and R6 : Mr.P.Thambidurai
Government Advocate

For R4 : No Appearance

For R5 : Mr.Mariappamurali

ORDER

The Joint Director, Health and Rural Services, Madurai District at Usilampatti, is *suo motu* impleaded as sixth respondent in this Writ Petition.



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Mr.P.Thambidurai, learned Government Advocate takes notice on behalf of the impleaded sixth respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to reimburse the medical expenditure incurred by the petitioner before the fifth respondent Hospital in line with G.O. (Ms)No.231, Health and Family Welfare Department, dated 07.05.2021 and also for a further direction to the fifth respondent to provide details and reports regarding the treatment that was given to the petitioner's husband from 18.08.2020 to 05.09.2020.

3. Heard the learned counsel appearing on behalf of the petitioner, the learned Government Advocate appearing on behalf of the respondents 1 to 3 and 6 and the learned counsel appearing on behalf of the fifth respondent.

4. The case of the petitioner is that her husband was infected with Covid-19 virus and he was admitted in the fifth respondent Hospital. The petitioner had spent nearly a sum of Rs.9,30,000/-. The entire amount was paid. Thereafter, the petitioner's husband died on 02.10.2020. The petitioner



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is seeking for reimbursement of the amount that was spent as per G.O. (Ms)No.231, dated 07.05.2021. The petitioner was also seeking for medical records from the fifth respondent Hospital for the treatment that was undergone by her husband from 18.08.2020 to 05.09.2020.

5. The learned Government Advocate appearing on behalf of the official respondents submitted that an enquiry was initiated by the Joint Director, Health and Rural Services, Madurai District @ Usilampatti after the same was forwarded by the first respondent and that a notice was also issued to the fifth respondent to produce the relevant documents. Since the Writ Petition was pending, the fifth respondent wanted to await for the result of the Writ Petition. In view of the same, there was no progress in the enquiry.

6. In the considered view of this Court, this Court is not dealing with any negligence on the part of the fifth respondent. The issue involved pertains to reimbursement of the medical expenditure incurred by the petitioner by relying upon the Government Order. For this purpose, Joint Director, Health and Rural Services, Madurai District @ Usilampatti, is seeking for records from the fifth respondent. Ultimately, the concerned



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authority has to conclude the enquiry and decide if the petitioner is entitled for reimbursement.

7. This Writ Petition is disposed of in the above terms. No costs.

Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No

Index : Yes/No

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20.11.2023

To

- 1.The Principal Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
State Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Director,
Directorate of Medical Education,
162, E.V.R. Periyar Road, Kilpauk,
Chennai - 600 010.
- 3.The Project Director,
Chief Minister's Comprehensive Health Insurance Scheme,
No.226, Om Sakthi Towers,
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Kilpauk, Chennai - 600 010.



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4.The Director (PG),
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Krishi Bhawan,
New Delhi – 110 001.

5.The Joint Director,
Health and Rural Services,
Madurai District @ Usilampatti.



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N.ANAND VENKATESH, J.

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