



WP(MD)No.16828 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16828 of 2016
and
WMP(MD)No.12205 of 2016

K.Palani

.. Petitioner

v.

- 1.The State of Tamil Nadu,
Rep. by the Additional Chief Secretary,
Secretariat, Fort St.George,
Chennai – 9.
- 2.The Principal Secretary to the Government,
Finance Department,
Secretariat, Fort St.George,
Chennai – 9.
- 3.The Principal Secretary to the Government,
Department of Health and Family Welfare,
Secretariat, Fort St.George,
Chennai – 9.
- 4.India Healthcare Services (TPA) Pvt Ltd.,
Rep. by its Senior Manager – Operations,
Project Head – TNNHIS 2012 & 2013 Projects,
No.27, Lakshmi Towers, 3rd Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to strictly implement the New Health Insurance Scheme as a 'Cash Less Scheme' by preventing the demand of medical expenses at the time of admission in the Hospitals from the beneficiaries and consequently, pay a sum of Rs.15 Lakhs as compensation to the petitioner for the wrongful death of his wife, namely, Vijayalakshmi, due to improper implementation of the New Health Scheme.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.G.Suriya Anandh,
Additional Government Pleader
for R.1 to R.3

No appearance for R.4

ORDER

According to the petitioner, his wife was admitted in Quality Care Hospital, Madurai, for cancer treatment. Cancer is a notified disease and the Quality Care Hospital is also a listed Hospital, as per the insurance



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scheme. Despite the same, the Hospital authorities have insisted the petitioner to pay a sum of Rs.48,000/- at the time of admission, for which, the Insurance Company has reimbursed a sum of Rs.13,400/-.

2.Learned Counsel for the petitioner submitted that though the Insurance Company claim that it is a cashless scheme and the Hospital is a listed with the Company, the Hospital authorities have demanded money at the time of admission. Though it was reported to the Insurance Company, they have not taken any action as against the Hospital, however, has reimbursed a sum of Rs.13,400/-.

3.Learned Additional Government Pleader, by referring G.O.Ms.No. 243, Finance (Salaries) Department, dated 29.06.2012 submitted that in the event of any dispute arising out of the implementation of the scheme, the petitioner ought to have approached the District Level Empowered Committee, State Level Committee and High Level Committee. Without exhausting this remedy, the petitioner has directly filed this writ petition.



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4.This Court paid it's consideration to the rival submissions made on either side.

5.The petitioner's wife, who suffered with cancer, was admitted in Quality Care Hospital, Madurai, for treatment, based on an insurance policy. Though the petitioner was eligible for cashless treatment, the Hospital authorities have insisted for payment at the time of admission to the tune of Rs.48,000. With this grievance, the petitioner has filed this writ petition.

6.Though the petitioner has made specific allegation as against the Hospital that they have demanded money, as against the insurance policy, he has not impleaded the Hospital as a party to this writ petition.

7.The Joint Secretary to Government, Finance Department, has filed a counter affidavit to this writ petition that as per G.O.Ms.No.243, Finance (Salaries) Department, dated 29.06.2012, in the event of any dispute arising out of the implementation of the scheme, the petitioner ought to



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have approached the District Level Empowered Committee, State Level Committee and High Level Committee.

8.In view of the above position, this writ petition is disposed of with liberty to the petitioner to submit a fresh representation for appropriate action as against the Hospital authorities, as per G.O.Ms.No.243, Finance (Salaries) Department, dated 29.06.2012, within a period of two weeks from the date of receipt of a copy of this order. In the event if any such application is filed, the same shall be considered by the District Level Committee, by conducting enquiry and take appropriate action as against the Hospital, after affording due opportunity of hearing.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

gk

To

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State of Tamil Nadu,
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- 2.The Principal Secretary to the Government,
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Secretariat, Fort St.George,
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