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W.P. No. 5595 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 5595 of 2018

P. Subramani

... Petitioner

Vs.

1.The District Collector,
Thiruvallur.

2.The Joint Director of Health Services,
Medical and Rural Health Services Department,
J.N. Road, Thiruvallur.

3.The District Treasurer,
Thiruvallur.

4.MD Indian Health Care Services (TPA) Private Ltd.,
(Unit of United India Insurance Company Ltd.,)
rep., by its District Co-ordinator,
No.27, Lakshmi Towers, 3rd Floor,
Dr. Radhakrishnan Road,
Mylapore, Chennai.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in L.Dis No. 5255/A4/2016 dated 26.12.2016 on the file of second respondent and quash the same and further direct the respondents to grant medical reimbursement based on the letter dated 14.12.2016.



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W.P. No. 5595 of 2016

For Petitioner : Mr. C. Vishwanth
For Respondents : Mr. K. Tippu Sulthan,
Government Advocate for RR1 and 2
Mr. V. Jeeva Giridharan
Additional Government Pleader for R3
No Appearance for R4

ORDER

This Writ Petition has been filed against the proceedings dated 26.12.2016 of the second respondent wherein, the claim of the petitioner for medical reimbursement has been returned due to non-inclusion of the Hospital in the empanelled list of Hospitals and for a consequential direction to the respondents to grant medical reimbursement based on his letter dated 14.12.2016.

2. The case of the petitioner is that, the petitioner worked in police department and retired as Inspector on 31.08.2012. On 26.10.2016, he was admitted as in-patient in the MV Diabetes Hospital, Chennai and subsequently, major operation was conducted at both sides of his right leg. He has taken treatment for more than 30 days as in-patient. The total medical expenditure runs to Rs.3,15,708/-. The petitioner made a petition before the second respondent with all original invoices by letter dated 14.12.2016 claiming medical reimbursement. But the second respondent vide proceedings dated 26.12.2016 rejected the same on the ground that the petitioner took treatment in non network Hospital. Thereafter, the petitioner made appeal before the District Collector on 02.03.2017. By order dated 10.10.2017, it is informed to the



petitioner by the second respondent that, the claim of the petitioner is returned due to procedure, as it is not covered in the empanelled list of Hospitals. Hence, left with no other option, the petitioner approached this Court.

3. In the counter filed by the second respondent, it is stated that due to the reason that the petitioner took treatment in non network Hospital, he is not entitled for medical reimbursement.

4. Infact, this issue is already dealt with by this Court in a batch of writ petitions in W.P.(MD) No.13429 of 2013 and batch and by order dated 28.05.2019, this Court while issuing several direction, this Court specifically directed, the Committee shall not reject any claim merely on the reason of non network hospital or non listed disease.

5. Learned Government Pleader appearing for the respondents submit that in the light of the order dated 28.05.2019 in W.P.(MD) No.13429 of 2013 and batch of this Court, the petitioner can approach the respondents requesting them to reconsider his claim for medical reimbursement.



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6. Having heard the submissions of the respective counsel and on perusal of the material available on record, it is an admitted fact that the petitioner admitted in non network hospital and he took treatment. He made application for medical reimbursement and it was rejected by the respondents on the ground that he took treatment in the non network hospital. But at present, in the light of the order passed by this Court, the respondents have to reconsider their decision in rejecting the claim of the petitioner. It appears from the impugned order that, the claim papers are returned to the petitioner by the second respondent, as such, it is appropriate and reasonable to permit the petitioner to resubmit the claim papers to the second respondent to process the same and place before the District Legal Committee for reconsideration within a stipulated time to meet the ends of justice.

7. With the above discussion, this Writ Petition is disposed of with the following direction: -

(i) The petitioner shall resubmit his claim papers to the second respondent within a period of one week from today.

(ii) On receipt of the claim papers from the petitioner, the second respondent shall forward and place the same before the District Legal Committee within a period of one week.

(iii) The District Legal Committee shall take decision on the



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claim of the petitioner within a period of two weeks. Thereafter, the eligible claim amount to be disbursed to the petitioner within two weeks thereafter.

8. There shall be no order as to costs.

11.09.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

Note: Issue order copy on 12.09.2024

To

1.The District Collector,
Thiruvallur.

2.The Joint Director of Health Services,
Medical and Rural Health Services Department,
J.N. Road, Thiruvallur.

3.The District Treasurer,
Thiruvallur.



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BATTU DEVANAND, J.

AT

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