



WEB COPY



W.P.No.9590 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Writ Petition No.9590 of 2021
and W.M.P.No.10176 of 2021

D.Jesurathinam

...

Petitioner

-Vs-

1.The Principal Secretary /
Commissioner for Treasuries
and Accounts,
Integrated Office Complex for
Finance Department,
III Floor, Nandanam,
Anna Salai, Chennai - 600 015.

2.The District Collector,
Coimbatore District,
Coimbatore -641 018.

3.The Joint Director,
Medical and Rural Health Services,
219, Race Course,
Coimbatore - 641 018.

4.The Treasury Officer,
District Treasury,
Coimbatore - 641 018.

...

Respondents



W.P.No.9590 of 2021

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order on the file of the 4th respondent in Na.Ka.No.21536/2019/Q3 dated 02.12.2019 and quash the same and to consequently direct the respondents to forthwith sanction and reimburse the total cost of medical expenses incurred by the petitioner insofar as the treatment undergone by him in connection with Coronary Artery Bypass Graft surgery along with applicable interest and disburse the amount to be paid to the petitioner.

For Petitioner : Mr.C.E.Pratap
For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

Heard, Mr.C.E.Pratap, the learned counsel for the petitioner, Mr.K.H.Ravikumar, learned Government Advocate for the respondents and perused the materials available on record.

2. The petitioner has filed a writ of Certiorarified Mandamus by challenging the impugned order on the file of the 4th respondent in Na.Ka.No.21536/2019/Q3 dated 02.12.2019 and to consequently direct the respondents to forthwith sanction and reimburse the total cost of



W.P.No.9590 of 2021

medical expenses incurred by the petitioner insofar as the treatment undergone by him in connection with Coronary Artery Bypass Graft surgery along with applicable interest and disburse the amount to be paid to the petitioner.

3. The petitioner is a retired government employee who is the subscriber of the New Tamil Nadu Pension Scheme sponsored by the State Government. The petitioner had undergone treatment for Coronary Artery Bypass Graft in a non-network hospital by name G.Kuppusamy Naidu Memorial Hospital, Coimbatore and was diagnosed to be suffering from Diabetes Mellitus,, Systemic Hypertension, Coronary Artery Disease-DVD, Complete Heart Block and immediately he was advised to undergo the procedure of Coronary Artery Bypass Graft. In view of this emergency situation, he got admitted in the same hospital and had undergone the procedure on 13.10.2017. When he submitted the medical bills for a sum of Rs.3,98,953.50 /- for reimbursement, it was rejected on the ground that the hospital in which the petitioner had taken treatment is a non-network hospital.



W.P.No.9590 of 2021

4. Mr.K.H.Ravikumar, the learned counsel for the petitioner, submitted that as per the terms of the insurance scheme, the petitioner who had taken treatment at a non-network hospital, is not eligible to get the benefits under the New Health Insurance Scheme.

5. In umpteen number of cases, the very same situation had surfaced and it has been held that if the treatment has been taken in a non-accredited hospital in view of the medical emergency, the respondents shall not deny the benefit of reimbursement under the New Health Insurance Scheme.

6. This Court, in an earlier occasion, has passed an order in WP.No.16997/2021 dated 07.11.2023 in similar lines with the following observation:

“8.The essential facts which has to be appreciated is whether the treatment alleged to have been undergone by the Government servant or his family members who are eligible for reimbursement have really taken the treatment or whether the medical reimbursement is allowed for the alleged treatment. The list of accredited hospitals are to the benefit of the Government servants and it is a first line information



WEB COPY



W.P.No.9590 of 2021

to them about the best hospitals where they can have a better access, facility and treatment. But this act should be made more cumbersome to deny the benefit even when the beneficiary chooses to take treatment at a hospital of his own choice, but for the disease or the type of the treatment for which reimbursement is permitted.

9.In the case at hand, the learned counsel for the petitioner submitted that the petitioner needed an emergency treatment and he had taken immediate treatment at Kauvery HCG Cancer Centre, Hospital in Chennai. If the opted hospital does not find place in the accredited list, that can be viewed at the worst as an irregularity.

10.The object of the scheme is to ensure availability of better medical facility and service available to the employees/pensioners covered through any Insurance Schemes sponsored by the government or directly by the Government itself. It is advisable for a beneficiary to take treatment in the accredited hospitals, to avail future compensation. However, the rule cannot be viewed so narrowly for denying the reimbursement for the treatment taken outside the purview of the listed hospitals.

11.It is always open to the Government to refer the medical papers and the beneficiary to an Expert Committee,



WEB COPY



W.P.No.9590 of 2021

if it is so felt by Government to assess the genuineness and necessity of the treatment taken by the Government servant on a case to case basis and give proper recommendation to the second respondent for reimbursement.

12. So in my considered view, the Government has to reconsider the claim made by the petitioner in the light of the above observation and also in the light of the observations made by the learned Division Bench of this Court in W.A (MD) No.1382 of 2017 dated 09.11.2017.

13. It is learnt that at the time of filing the application for reimbursement the District Collector, Nagapattinam had the jurisdiction and after bifurcation, it fell under Mayiladuthurai District. Therefore, the first and third respondents are directed to forward the claim application to the Mayiladuthurai District.

14. In the result, this Writ Petition is allowed and the impugned order passed by the second respondent / United India Insurance Company Ltd., vide letter dated 19.01.2018 is set aside and respondents 1 and 3 are directed to forward the claim of the petitioner to the District Collector, Mayiladuthurai District, within two weeks who in turn shall consider the claim of the petitioner by taking into consideration of the object of the Scheme and give



W.P.No.9590 of 2021

appropriate recommendation within a period of two weeks to the second respondent and the second respondent on receipt of the same shall pass necessary orders for reimbursement of the medical expenses, within a period of two weeks from the date of order of receipt of the recommendation. Consequently, the connected miscellaneous petitions are closed. No costs.”.

7. Since the issue involved in this Writ Petition is also similar as that of the issue dealt in the above Writ Petition, this Writ Petition has to be allowed by extending the benefit equally to the petitioner.

8. In the result, this Writ Petition is allowed and the impugned order passed by the fourth respondent vide proceedings Na.Ka.No.21536/2019/Q3 dated 02.12.2019 is hereby quashed and fourth respondent is directed to forward the claim of the petitioner to the second respondent / District Collector, Coimbatore District, within a period of two weeks who in turn shall consider the claim of the petitioner by taking into consideration of the object of the Scheme and give appropriate recommendation within a period of two weeks to the third respondent and the third respondent on receipt of the same shall pass



W.P.No.9590 of 2021

necessary orders for reimbursement of the medical expenses, within a period of two weeks from the date of order of receipt of the recommendation. No costs. Consequently, the connected miscellaneous petition is closed.

15.03.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

bkn



W.P.No.9590 of 2021

WEB COPY To

- 1.The Principal Secretary /
Commissioner for Treasuries
and Accounts,
Integrated Office Complex for
Finance Department,
III Floor, Nandanam,
Anna Salai, Chennai - 600 015.
- 2.The District Collector,
Coimbatore District,
Coimbatore -641 018.
- 3.The Joint Director,
Medical and Rural Health Services,
219, Race Course,
Coimbatore - 641 018.
- 4.The Treasury Officer,
District Treasury,
Coimbatore - 641 018.



WEB COPY



W.P.No.9590 of 2021

R.N.MANJULA, J.,
bkn

Writ Petition No.9590 of 2021
and W.M.P.No.10176 of 2021

15.03.2024