



WEB COPY



W.P.No.10469 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.10469 of 2021

R.Ranganathan

... Petitioner

Vs.

1.The Project Director,
Tamilnadu Health Scheme,
Medicine and Rural Welfare,
Teynampet, Chennai.

2.The Project Manager,
United India Insurance Company,
Kilpauk, Chennai – 600 010.

3.M/s.Billroth Hospital Pvt. Ltd.,
Rep. by its Managing Director,
No.43, Lakshmi Talkies Road,
Shenoy Nagar, Chennai – 600 043.
[R3 impleaded vide order dt. 08.08.2023 made
in W.M.P.No.25967 of 2021 in W.P.No.10469 of 2021]

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to reimburse the surgery and medicinal charges incurred by the petitioner's amounting to Rs.2,28,193/- along with 12% interest from the date of admission i.e., 07.09.2016.



W.P.No.10469 of 2021

For Petitioner : Mr.B.Srikrishnan
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader [R1]
Mr.S.Arunkumar [R2]
Mr.K.V.Sanjeev Kumar [R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the 2nd respondent to reimburse the surgery and medicinal charges incurred by the petitioner's amounting to Rs.2,28,193/- along with 12% interest from the date of admission i.e., 07.09.2016.

2. The case of the petitioner is that, he was suffering very much from digestion problems from the past two months and had gone to the 3rd respondent hospital for complete check up and on going through diagnostic reports and examination of his anatomy, they advised that his gall-bladder is not functioning, which caused the problems in the stomach and indigestion and other problems. Though the petitioner is entitled for Chief Minister's Assistance under the Health Scheme, however, the 3rd respondent advised the petitioner to bear the surgery and medicine cost initially and get back the reimbursement from the government schemes on



W.P.No.10469 of 2021

submission of the discharge summary subsequently. Based on the above advice from the 3rd respondent management, the surgery for removal of gall-bladder was done on 07.09.2016 and the total amount for surgery was billed at Rs.2,28,193/-. Thereafter, the insurance claims for Rs.2,28,193/- with all requisite certificates and other applications with copy of the Health Insurance and was submitted to the Chief Minister (Special Cell), Secretariat, Fort St. George, Chennai – 9 on 25.11.2016 and the government officials forwarded the verified insurance claim to the 2nd respondent on 05.07.2017. Though the 2nd respondent has received the same, however, the 2nd respondent had not settled the claim. Therefore, the petitioner has made a representation dated 26.03.2024 before the 2nd respondent. In spite of the service of the representation on 29.03.2021, the 2nd respondent has not taken any action. Hence, the petitioner has filed the above writ petition before this court for appropriate orders.

3. Learned counsel for the petitioner submits that, though the petitioner is entitled to the Chief Minister's Assistance under Health scheme, however, the 3rd respondent insisted the petitioner to pay the expenses instantly and get back the reimbursement from the government schemes on submission of the discharge summary subsequently, which is



W.P.No.10469 of 2021

wholly unsustainable. Therefore, he submits that, it would suffice, if this Court issues a direction to the 2nd respondent to reimburse the surgery and medicinal charges incurred by the petitioner amounting to Rs.2,28,193/- along with 12% interest from the date of admission i.e., 07.09.2016, within a time frame that may be fixed by this Court.

4. Learned counsel appearing for the 2nd respondent submitted that, as per the Chief Minister's Comprehensive Health Insurance Scheme, the petitioner is entitled to Rs.22,000/- and the said amount is very much available with the 2nd respondent and the 2nd respondent is ready to disburse the same to the petitioner within a period of two weeks.

5. Learned counsel appearing for the 3rd respondent submitted that the petitioner was admitted in the hospital without disclosing that he is a beneficiary of Chief Minister's Comprehensive Health Insurance Scheme (CMCHIS) and after completion of treatment, he paid the entire amount by way of cash. Thereafter, he claimed that he is a beneficiary of CMCHIS and the 3rd respondent has received a communication from 1st respondent vide letter dated 07.05.2022, directing the 3rd respondent to refund Rs.2,28,193/- to the petitioner and also remit the penalty of



W.P.No.10469 of 2021

Rs.1,10,000/- in favour of the 1st respondent, for which, the 3rd respondent has given suitable reply on 12.05.2022. Therefore, he submitted that, this court may issue a direction to the 1st respondent to conduct enquiry in between the petitioner and 3rd respondent and pass appropriate orders, on merits and in accordance, with regard to entitlement of the petitioner under the CMCHIS.

6. In view of the above submissions, this court, without going into the merits of the case, directs the 1st respondent to conduct enquiry in between the petitioner and the 3rd respondent and pass appropriate orders on merits and in accordance with law, with regard to the entitlement of the petitioner under the CMCHIS as a beneficiary, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

09.08.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



WEB COPY



W.P.No.10469 of 2021

M.DHANDAPANI, J.

sp

To

- 1.The Project Director,
Tamilnadu Health Scheme,
Medicine and Rural Welfare,
Teynampet, Chennai.
- 2.The Project Manager,
United India Insurance Company,
Kilpauk, Chennai – 600 010.

W.P.No.10469 of 2021

09.08.2024