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W.P.No.18880 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2024

CORAM:

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.No.18880 of 2018

K.Sivanandam

...
Vs.

Petitioner

1.The Secretary to the Government,
Government of Tamil Nadu,
Department of Health,
Fort St.George,
Chennai – 600 009.

2.The Joint Director,
Health Services,
Medical and Social Welfare Department,
Namakkal.

3.The District Treasury Officer,
District Treasury, Namakkal.

...

Respondents

PRAYER: Writ petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to the proceedings in Na.Ka.No.4432/Mh/2017-2 dated 06.03.2018 and quash the same and in consequence to that direct the 1st respondent to pass an order of reimburse the medical expenses of Rs.1,99,071/- together with interest and direct the 3rd respondent to disburse the same within a stipulated time.

For Petitioner : Mr.K.Anbarasan

For Respondents : Mr.K.Tippusulthan
Government Advocate



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ORDER

This writ petition has been filed against the proceedings in Na.Ka. No.4432/Mh/2017-2 dated 06.03.2018, wherein, the claim for medical reimbursement has been rejected by the second respondent on the ground that the hospital, wherein the petitioner took treatment, was not in the list of the approved hospital. A consequential direction is also sought to direct the first respondent to reimburse the medical expenses of Rs.1,99,071/- together with interest within the stipulated time.

2.The petitioner has been working as Secondary Grade Teacher in the Panchayat Union School, Mallasamuthiram Village, Namakkal District. During the month of June, 2017, he suffered from a severe headache, which caused to get medical advice and treatment at his native place. Thereafter, he was constrained to go to Coimbatore for treatment. Due to unbearable pain, the petitioner was referred to Sri Ramakrishna Hospital and Centre for imaging sciences. The petitioner was admitted in the said hospital and thereafter, he was referred to SIIMs Hospital, Chennai and the petitioner was admitted on 28.07.2017 and had undergone surgery in brain on 29.07.2017. Thereafter, he was discharged from the hospital on 31.07.2017. For the said treatment and



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surgery, the medical expenses had gone to several lakhs. The petitioner is covered by the Tamil Nadu Health Insurance Scheme, 2014 and he is entitled for reimbursement on submission of bills for treatment and surgery. He sent his medical reimbursement claim to the second respondent. The same was placed before the Medical Empowered Committee, headed by the District Collector, but the Committee returned the claim of the petitioner as not recommended and the same was communicated to the petitioner vide letter dated 06.03.2018, aggrieved by the decision of the Medical Empowered Committee for not recommending his claim for reimbursement, the petitioner filed this present writ petition.

3.The learned Government Advocate appearing for the respondents would submit that the medi-claim claim will be settled only in the event of taking treatment in a network hospital. In the present case, the petitioner took treatment in a non network hospital and as such, not recommending his claim by the Medical Empowered Committee is in order.

4.This issue has already been dealt with by this Court on several occasions. While considering in a batch of writ petitions with an identical



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issues, the learned single judge of this Court passed an order dated 28.05.2019 in W.P.(MD).Nos. 13429 of 2013 etc., and held that the committee shall not reject any claim merely on the reason of non network hospital or non listed disease.

5.The Division Bench of Madurai Bench of Madras High Court, in its order dated 05.12.2023 in W.P.(MD).No.25304 of 2018 held that the genuinity of the treatment taken by the petitioner had not been disputed and once the treatment is found to be genuine, there is no reason to reject the medical claim of the petitioner herein.

6.Having considered the fact and circumstances of the case and on hearing the respective counsels and on careful perusal of the materials available on record along with the judgments relied on by the learned counsel appearing for the petitioner, this Court is of considered the opinion that the issue regarding the settlement of the medical claim for taking treatment in non network hospital is no more *res integra*. As such, the action of the third respondent in rejecting the claim of the petitioner for medical reimbursement merely on the ground that the petitioner took treatment in the non network



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hospital is illegal and injustice and irrational and contrary to the settled law.

Accordingly, this writ petition is allowed with the following directions;

1.The impugned proceedings in Na.Ka.No.4432/Mh/2017-2 dated 06.03.2018 is hereby set aside.

2.The second respondent is directed to resubmit the claim of the petitioner for medical reimbursement before the District Claim Medical Empowered Committee within a period of two weeks from today.

3.On receipt of the same, the Medical Empowered Committee has to recommend the claim of the petitioner to the concerned authorities within a period of three weeks thereafter.

4.All the respondents are directed to settle the claim of the petitioner within a maximum period of six weeks from today.

Index: Yes/No
Internet: Yes/No
sms

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To

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- 2.The Joint Director,
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Medical and Social Welfare Department,
Namakkal.
- 3.The District Treasury Officer,
District Treasury, Namakkal.
4. The Public Prosecutor,
High Court, Madras



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BATTU DEVANAND,J.

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