



Writ Petition No.33087 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

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THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.33087 of 2018

R.Dhandapani

..Petitioner

vs.

1.The Personal Assistant to the Collector(Accounts),
Collectorate Office,
Tiruppur,
Thiruppur District-641 604

2.The Director of Pension,
Office of Directorate of Pension,
259, Anna Salai,
Chennai-600 006

3.The Principal Secretary to Commissioner,
Treasuries and Accounts,
Integrated Office Complex for Finance Department,
III Floor, Nandanam,
Anna Salai, Chennai-600 035

4.The Joint Director of Health and Rural Services,
Government Headquarters Hospital,
Tharapuram Road,
Thiruppur District-641 604

5.The Divisional Manager,



Writ Petition No.33087 of 2018

Divisional Office VI,
United India Insurance Company Ltd.,
PLA Rathna Tower, 5th Floor,
222, Anna Salai,
Chennai- 600 006

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 28.09.2018 in Na.Ka.No.1356/2017/A1 of the first respondent and quash the same and consequently direct the respondents to consider and pass orders on the petitioner's representation dated 18.06.2018 on the sanction of reimbursement of medical expenses incurred by the petitioner.

For Petitioners :Mr.A.V.Balusamy for
Mr.N.R.S.Ganesan

For Respondents : Mr.K.Tippusulthan,GA for R1,3,4
Mr.L.S.M.Hasan Fizal, AGP for R2
Mr.P.Sankaranarayan, for R5

ORDER

This Writ Petition has been seeking for issuance of a Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 28.09.2018 in Na.Ka.No.1356/2017/A1 of the first respondent and quash the same and consequently direct the respondents to consider and pass orders on the petitioner's representation dated 18.06.2018 on the sanction of



Writ Petition No.33087 of 2018

reimbursement of medical expenses incurred by the petitioner.

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2.The petitioner in this Writ Petition is a retired Government servant. He was admitted in G. Kuppusamy Naidu Memorial Hospital, Coimbatore on 11.06.2018. He took treatment of Angiogram on 13.06.2018 and discharged on 15.06.2018. In this process, he incurred expenditure of Rs.1,53,957/- only. He made a representation to the respondents 1 & 2 on 18.06.2018 by submitting all the medical bills and discharge summary, claiming the reimbursement of the said amount. But the first respondent rejected the claim of the petitioner on the ground that the hospital in which he took treatment was a non network or approved hospital under the Scheme. Subsequently, the Principal Secretary, Treasuries and Accounts, Chennai informed the petitioner through a letter dated 13.11.2018 stating that now the matter is pending with the State Level Empowered Committee for a decision. Thereafter, no response was evincing from the respondents. Aggrieved by the same, the petitioner has constrained to file the present Writ Petition.



Writ Petition No.33087 of 2018

3. On behalf of the respondents, a detailed counter affidavit has been filed, wherein, it is stated that as the petitioner took treatment in non-network hospital and non-listed hospital, he is not entitled for medical reimbursement. Accordingly, the decision of the State Level Empowered Committee in rejecting the claim of the petitioner is in accordance with the policy and accordingly, there is no infirmity or illegality in the order passed by the respondents, impugned in this Writ Petition.

4. This issue involved in the present Writ Petition, has already been dealt with by this Court on several occasions. While considering in a batch of writ petitions with an identical 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 facts 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 first respondent in rejecting the claim of the petitioner for medical reimbursement merely on the ground that the petitioner took the treatment in the non network hospital, is illegal, injustice and irrational and contrary to the settled law. Accordingly, this writ petition is allowed with the following directions:

(i).The impugned proceedings in Na.Ka.No.1356/2017/A1, dated 28.09.2018 of the first respondent is hereby set aside.

(ii). The first respondent is directed to resubmit the claim of the petitioner for medical reimbursement before the



Writ Petition No.33087 of 2018

State Level Empowered Committee within a period of two weeks from today.

(iii).On receipt of the same, the State Level Empowered Committee has to recommend the claim of the petitioner to the concerned authorities within a period of three weeks thereafter.

(iv).The respondents are directed to settle the claim of the petitioner within a maximum period of six weeks from today.

04.12.2024

Index : Yes/No
Speaking order: Yes/No
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Writ Petition No.33087 of 2018

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Writ Petition No.33087 of 2018

BATTU DEVANAND, J

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Writ Petition No.33087 of 2018

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