



W.P.(MD).No.18216 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18216 of 2022

K.Arianayagam

... Petitioner

Vs

1. The Divisional Railway Manager,
Madurai Division, Southern Railway,
Madurai - 625 016.
2. The Chief Medical Superintendent,
Southern Railway, Madurai - 625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the impugned order of the 2nd respondent in his proceedings No. U/MD/34/I, dated 18.11.2021 and consequential order in Proceedings No. U/MD/34/I, dated 21.07.2022 denying to recommend for reimbursement of medical exepnses and to quash the same and consequently to direct the respondents to settle the medical claim of the petitioner of Rs.3,86,496/- (three Lakhs eighty six thousand four hundred and ninety six rupees only) within the time stipulated by this Court.

For Petitioner : Ms.P.Jessi Jeeva Priya



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For Respondents : Mr.R.Laxman
Standing Counsel

ORDER

Heard Ms.P.Jessi Jeeva Priya, learned counsel for the petitioner and Mr.R.Laxman, learned Standing Counsel for the respondents.

2.This Writ Petition has been filed challenging the impugned order of the 2nd respondent in his proceedings No. U/MD/34/I, dated 18.11.2021 and consequential order in Proceedings No. U/MD/34/I, dated 21.07.2022 denying to recommend for reimbursement of medical exepnses and consequently to direct the respondents to settle the medical claim of the petitioner of Rs. 3,86,496/- (Three Lakhs eighty six thousand four hundred and ninety six rupees only).

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner, who claims to be the beneficiary of Railway Employee Liberalized Health Scheme of Southern Railway has challenged the



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impugned order, dated 18.11.2021 and 21.07.2022, wherein, the petitioner's claim for reimbursement for the medical expenses incurred by him, was rejected stating the reasons that the procedure undergone by him in a private hospital is not covered under the Scheme. It is further stated in the impugned orders that similar treatment is also available under Railway Hospital and hence, the petitioner's claim is not fit for consideration.

5. The learned counsel for the petitioner submitted that the petitioner has suffered a Heart attack and it was an emergency situation and he needed to go to a private hospital and took the treatment.

6. However, the learned standing counsel appearing for the respondents submitted that even if the petitioner said to have taken any treatment in a private hospital by name Sasi Heart Centre at Kovilpatti on 27.05.2021 for emergency condition, thereafter, he was discharged from the said private hospital on the next day itself.

7. The petitioner claims that after getting discharged from the Sasi Heart Centre at Kovilpatti, he was admitted in Meenakshi Mission Hospital and



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he was advised to have an open heart bye-pass surgery to clear the blocks found in the blood vessels.

8.As per records, the petitioner admitted in Meenakshi Mission Hospital on 09.06.2021. So between 28.05.2021, the day on which, he was discharged from Sasi Heart Centre at Kovilpatti and the admission he sought in Meenakshi Mission Hospital, ie., on 09.06.2021, there were interval of 10 to 12 days. Had the petitioner approached the Railway Hospital for further treatment, he could have been in a better position to get the reimbursement.

9. However, the respondent can consider the claim of the petitioner compassionately, taking into account of other circumstances, which compelled him to admit in the private hospital during the relevant point of time and the kind of diagnosis and other treatment he was undergoing at the relevant point of time.

10. In view of the above, this writ petition stands allowed and the impugned orders dated 18.11.2021 and 21.07.2022 are hereby set aside and the matter is remitted back to the second respondent to reconsider and pass orders



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in the light of the above observation on merits within a period of four weeks from the date of receipt of copy of this order. No costs.

27.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Divisional Railway Manager,
Madurai Division, Southern Railway,
Madurai - 625 016.
2. The Chief Medical Superintendent,
Southern Railway, Madurai - 625 016.



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R.N.MANJULA, J.

PNM

ORDER IN
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