



W.P.(MD)No.15537 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.15537 of 2017

L.Ida Helan

... Petitioner

Vs.

- 1.The Secretary to Government,
Secretariat,
Fort St.George,
Chennai.
- 2.The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai - 600 015.
- 3.The District Level Committee,
Represented by Collector,
Kanyakumari District.
- 4.The District Treasury Officer,
The District Treasury Office,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records on the file of fourth respondent pertaining to its order bearing Na.Ka.No.21977/2015/L 2(12),



W.P.(MD)No.15537 of 2017

dated 13.07.2017 and to quash the same and consequently direct the respondents to disburse Rs.84,877/- spent by the petitioner for the treatment underwent by her husband within a stipulated time fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 13.07.2017, passed by the fourth respondent, rejecting the petitioner's request for reimbursement of the medical expenses on the ground that she had taken treatment in a non-network hospital.

2. The petitioner has sought for reimbursement of a sum of Rs.84,877/- (Rupees Eighty Four Thousand Eight Hundred and Seventy Seven only) incurred by her towards the medical expenditure, while she was in Government service. As per the Insurance Scheme of the Government, she had requested the respondents to reimburse her medical expense of Rs.84,877/- (Rupees Eighty Four Thousand Eight Hundred and Seventy Seven only) which has been rejected under the impugned order on the ground that the petitioner did not take



W.P.(MD)No.15537 of 2017

treatment in a network hospital. The issue, which is subject matter of the Writ Petition is now settled through various decisions rendered by this Court which includes a Division Bench decision, dated 05.12.2023, passed by this Court in the case of ***C.Mani Vs. The Principal Secretary to Government of Tamil Nadu, Department of Finance (Pension), Secretariat, Chennai and others*** in ***W.P.(MD).No.25304 of 2018***.

3. In the aforesaid decision, it has been categorically held that even though the treatment was taken in a non-network hospital, the insured (government servant) is entitled for reimbursement of the medical expenses.

4. In view of the settled law, the impugned order dated 13.07.2017, passed by the fourth respondent has to be quashed and this Writ Petition will have to be allowed.

5. Accordingly, the impugned order dated 13.07.2017, passed by the fourth respondent, is hereby quashed and the Writ Petition is allowed. The third respondent is directed to reimburse the sum of Rs.84,877/- (Rupees Eighty Four Thousand Eight Hundred and Seventy Seven only) to the petitioner, if the same is found to be eligible without insisting that the petitioner ought to have taken



W.P.(MD)No.15537 of 2017

treatment only in a network hospital, within a period of twelve weeks from the

date of receipt of a copy of this order. No costs.

09.09.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The Secretary to Government,
Secretariat,
Fort St.George,
Chennai.
- 2.The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai - 600 015.
- 3.The Collector,
District Level Committee,
Kanyakumari District.
- 4.The District Treasury Officer,
The District Treasury Office,
Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD)No.15537 of 2017

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.15537 of 2017

09.09.2024