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WP No. 23665 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 23665 of 2024

A.Saravanan

S/o.Arumugam, No. 5/68, Poyar Street,
Arasampatti, Pochampalli,
Bendarahalli, PO, Krishnagiri -655201.

Petitioner(s)

Vs

The Grievance Redressal Officer,
O/o. Joint Director Of Medical And Rural Health
Services, Government Head Quarter Hospital,
Krishnagiri -635 001 and two others

Respondent(s)

For Petitioner(s): Mr.G.Prabhakar

For Respondent(s): Mr.E.Sundaram
Government Advocate for RR 1 & 2
Mr.P.Athiveera Rama Pandiyan for R3



ORDER

This order should be read in conjunction with the order dated 08.04.2025.

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2. For appreciation of the facts, the order dated 08.04.2025 is extracted below in entirety:

“The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the third respondent / the Manager; United India Insurance Company Ltd., Chennai, to release the medical claim No.33606960, 32669107, 31973100, 32622026 which was claimed through 20.01.2024 and the reminder claim representation dated 18.06.2024 as per the New Health Insurance Scheme of 2021.

2. *In the affidavit filed in support of the Writ Petition, it had been contended that the writ petitioner is working as supervisor in Panchayat Union. He belongs to a socially and economically weaker section. He was able to get Government job after much difficulty. His son Dharmeshwar was affected with cancer in the month of May 2022. The treatment which the son undertook had been given in the discharge summary of the hospital where he had undertaken treatment.*

3. *A perusal of the discharge summary shows that the son was admitted for Hematopoietic Stem Cell Transplant, Central line insertion. The Stem Cell was donated by the writ petitioner. The son of the petitioner was afflicted with cancer requiring transplant of the bone. This particular operation was done after he was admitted to the hospital on 13.05.2022. He was discharged on 12.06.2022. At the time*



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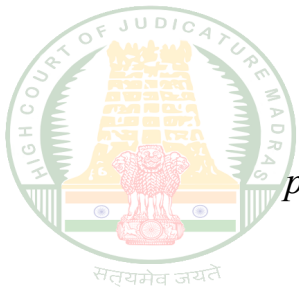


of discharge, he was continuously vomiting blood and required transmutation of blood. Since further treatment was not possible, he had been discharged. He had also developed oral ulcers and he was kept under continuous care. He was also started on conditioning chemotherapy from 23.07.2022 onwards. Thus, during the course of this hospitalisation, he was not only done started with conditioning chemotherapy but he underwent Haploidentical stem cell transplant donated by the petitioner herein as the father. The son could never recover from the disease which had afflicted him and he subsequently died.

4. The petitioner had placed a request on the policies seeking releasing of the amount.

5. The third respondent had taken a decision that treatment for the son of the petitioner fell under Annexure-I of the approved treatments and surgeries which had been stipulated in G.O.Ms.No. 160 dated 29.06.2021, Finance (Salaries) Department. The category come under Annexure-I relates to Oncology and it relates to Surgery management of all Malignant Tumors, Laser or Radiation Treatment of Malignancy, Chemotherapy for Treatment of Malignancy, Surgery for intracardiac Tumors, and life threatening Benign Tumors/Abscess. They are locations specific. However, the disease which had afflicted the son of the petitioner would actually fall under Annexure – 1A wherein it had been provided for the treatment and surgeries relating to chemotherapy, Radiotherapy and immunotherapy for all Malignancies including in patient procedures for diagnosis.

6. As pointed out from the discharge summary, the son of the petitioner not only required Chemotherapy but also had to undergo transplant of the stem cell for which the



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petitioner himself was the donor.

7. This narrow interpretation by the third respondent defies logic and is extremely perverse and has been done without any consideration for human life or for the sufferings of the petitioner herein. The Official, who had passed the order, has no right to continue to claim to continue in office.

8. A Mandamus is issued directing the third respondent to process claim Nos. 33606960, 32669107, 31973100, 32622026 and inform the status to this Court.

9. It is to be noted that the Chief General Manager of the third respondent had been directed to be present in Court at 02.15 p.m., on 15.04.2025.

10. List the matter at 15.04.2025 at 02.15 p.m. The presence of the third respondent not only of the Chief General Manager but in this case, the Manager also must be present for them to express about knowledge of medicine and the knowledge which they have about transplant and Chemotherapy operations.

11. The Writ Petition stands disposed of. No order as to costs."

3. Today, Mr.S.Sasikumar, Chief Manager, United India Insurance Company Limited, Greaves Road, Chennai, is present before this court.

4. It is stated that after filing of the writ petition, further demand had been made and yet another payment has also been sanctioned and the papers are



pending. It must be noted that the petitioner seeks compensation for the treatment of his son, who suffered from cancer and who also died subsequently.

A direction is given that the claims must be processed and disbursed to the petitioner within a period of four weeks from this date.

With the direction above, no further order needs to be passed in this writ petition.

15-04-2025

nsd



To
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1. The Grievance Redressal Officer,
O/o. Joint Director Of Medical And
Rural Health Services, Government
Head Quarter Hospital, Krishnagiri
-635 001.

2. The Chairman,
District Level Empowered Committee,
The District Collector, District
Collector Office, Collectorate Campus,
Krishnagiri -635 115.

3. The Manager,
United India Insurance Company
Limited, Regional Office-VI,
PLA Rathna Towers, 5th Floor, 212,
Anna Salai, Chennai -600 006.



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C.V.KARTHIKEYAN J.

nsd

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