



WEB COPY

WP No. 3830 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 3830 of 2017

P.Palani

S/o.Late Pavadai Pillai, No.72/27, 10th Street,
Gandhi Nagar, Thiruvannamalai, Thiruvannamalai
District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Secretary, Finance (Pension)
Department, Fort St. George, Chennai-9.
2. The Treasury Officer,
District Treasury Officer, Thiruvannamalai
District.
3. M/s.United India Insurance Co.
Ltd, 27, Lakshmi Towers, 3rd Floor,
Radhakrishnan Salai, Mylapore, Chennai-4.

..Respondent(s)

Prayer: Declaring that the proceedings of the 2nd respondent in Mu.Mu. No.7200/ 2016/Vu1 dated 22.12.2016 based on the Communication of the 3rd respondent dated 2.12.2016 in Na.Ka. No.4266/ A2/2016 is null and void and thereby consequently direct the respondents to pay a sum of Rs.1,06,200/- spent by the petitioner towards Medical Expenses with 18% interest until the date of payment.



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For Petitioner: Mr. K. Raju

For M/s.A.R.Nixon

For Respondents: Mrs. M. Jayanthi, AGP – R1 & R2

ORDER

The challenge in the present writ petition is to the order dated 22.12.2016 bearing No.Mu.Ma.No.7200/2016/Vul, passed by the second respondent. By the said order, the claim of the petitioner for reimbursement of medical expenses was rejected.

2. The petitioner is a retired Forest Settlement Officer, drawing pension under PPO No.501277, and is aged about 93 years as on date. On 18.06.2015, the petitioner fell down and sustained an intertrochanteric fracture of the left femur. He was immediately admitted to S.S. Hospital, Tiruvannamalai, where surgery was performed on 20.06.2015. Thereafter, he was discharged from the hospital on 29.06.2015. The petitioner submitted a claim for reimbursement of a sum of Rs.1,06,200/- towards medical expenses incurred for the said treatment. However, the said claim was rejected by the second respondent through the impugned order.



3. The learned counsel for the petitioner submitted that though the hospital where the petitioner underwent treatment was not an approved hospital under the relevant scheme, the treatment was taken under emergency circumstances. Therefore, the petitioner cannot be denied reimbursement of medical expenses merely on the ground that the hospital was not empanelled.

4. Per contra, the learned Additional Government Pleader submitted that the petitioner was eligible for cashless treatment under the New Health Insurance Scheme, 2014, only in empanelled hospitals. Since the hospital where the petitioner underwent treatment was not an approved hospital under the scheme, the second respondent rightly rejected the claim for reimbursement and the same does not warrant interference.

5. The submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents have been carefully considered.

6. The petitioner was aged about 87 years at the time of the accident on 18.06.2015. He sustained a serious injury to his left hip and was admitted to S.S. Hospital, Tiruvannamalai, on the same day. Surgery was performed on 20.06.2015, and he was discharged on 29.06.2015. It is not in dispute that the surgery was necessitated by an emergency. Therefore, the petitioner cannot be expected either to choose treatment only in an empanelled hospital or to verify, in an



emergency situation, whether the hospital in which he underwent surgery was empanelled.

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7. It is also undisputed that the insurance premium under the medical scheme was regularly deducted from the petitioner's pension. Hence, the petitioner cannot be denied reimbursement of medical expenses solely on the ground that treatment was taken in a non-empanelled hospital. It is settled law that reimbursement of medical expenses cannot be denied merely because treatment was availed in a non-network or non-empanelled hospital, particularly in cases of medical emergencies.

8. The Hon'ble Supreme Court, in ***Shiva Kant Jha v. Union of India, reported in (2018) 16 SCC 187***, has held that authorities must act in a responsive and humane manner and cannot mechanically deny legitimate claims for medical reimbursement. Paragraphs 13 and 14 of the said judgment read as follows:

“13. It is a settled legal position that the Government employee during his lifetime or after his retirement is entitled to get the benefit of the medical facilities and no fetters can be placed on his rights. It is acceptable to common sense that the ultimate decision as to how a patient should be treated vests only with the doctor, who is well-versed and experienced. Very little scope is left to the patient or his relatives to decide the manner of treatment. The right to medical claim cannot be denied merely because the name of the



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hospital is not included in the Government Order. The real test must be the factum of treatment... Once it is established, the claim cannot be denied on technical grounds.”

“14. Moreover, the law does not require prior permission to be taken in situations where the survival of the person is the prime consideration... Emergency treatment cannot be denied merely on the ground that the hospital is not empanelled.”

9. In the light of the above discussion, this Court is of the view that the impugned order dated 22.12.2016 passed by the second respondent is arbitrary, discriminatory, and legally unsustainable, and is therefore liable to be set aside.

10. Accordingly, the writ petition is allowed and the impugned order dated 22.12.2016 is hereby set aside. The second respondent is directed to reconsider the claim of the petitioner for reimbursement of medical expenses and reimburse the admissible amount forthwith, preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

20-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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HEMANT CHANDANGOUDAR, J.

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To

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