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W.P.No.42608 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.42608 of 2025

and

W.M.P.No.47649 of 2025

Sanjeev Thakur
S/o.Late Ram Eshwar Thakur

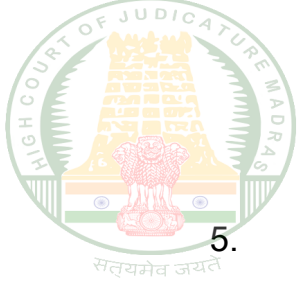
... Petitioner

VS.

1. The Principal Secretary to Government
Finance Department
Fort St.George, Secretariat
Chennai-600 009.
2. The Additional Chief Secretary to Government
Home Department
Fort St.Geroge, Secretariat
Chennai-600 009.
3. The Commissioner of Treasuries and Accounts
3rd Floor Perasiriyar K.Anbazhagan Maaligai
No.571, Anna Salai
Nandanam, Chennai-600 035.
4. The Registrar General
Madras High Court
Madras – 600 104.



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5. The Director of Medical Education
Directorate Medical Education (DME)
162, EVR Periyar Salai
Kilpauk, Chennai-600 010.
 6. The Joint Director
Director of Medical and Rural Health Services
DMS (Complex) Teynampet
Chennai-600 006.
 7. The District Collector
Chennai District.
 8. The Accountant General (A&E) / Audit
Chennai-600 018.
 9. The Accountant General (CAS)
Chennai-600 009.
 10. The Pay and Accounts Officer
High Court, Chennai-600 104.
 11. The Divisional Manager
United India Insurance Company
PLA Ratna Tower, 5th Floor
Anna Salai, Chennai-600 006.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in connection with the impugned order passed by him vide G.O. (D)No.570 dated 05.05.2025 and quash the same and consequently, direct the 1st respondent to reimburse the medical expenses of Rs.5,31,383/- incurred by the petitioner for taking medical treatment at M.N.Orthopedic



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Hospital, Kilpauk, Chennai, with interest at the rate of 9% from the date of payment made by the petitioner to the hospital till date of reimbursement made to the petitioner within the time fixed by this Court.

For Petitioner : Mr.C.Umashankar
for Mr.M.Selvam

For Respondents : Dr.R.Gowri
Government Counsel,
for R1 to R3 & R5 to R7
Mr.S.John J.Raja Singh, for R4
R8 to R11 – No representation

ORDER[Made by **S.M.SUBRAMANIAM, J.,**]

The writ on hand has been instituted challenging the order passed by the Government in G.O.Ms.No.570 dated 05.05.2025, sanctioning the eligible medical claim of the petitioner for the treatment taken by him.

2. The petitioner states that he fell down from a two wheeler and undergone surgery for removal of dist femur (R) and Custom Mega Prosthetic Replacement Proximal Tibia (R) (Prathika / Titanium). He was admitted as an inpatient in M.N. Orthopedic Hospital, Kilpauk, Chennai. He undergone two surgeries and incurred expenses of about Rs.5,31,383/-. He submitted an application seeking reimbursement of the

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entire medical expenses incurred by him. The authorities have not

considered the same. Thus, he filed a writ petition in W.P.No.37359 of

2024 seeking a direction to consider his representation dated 15.03.2024.

This Court directed the authorities to consider the said representation and

consequently, the Government passed the impugned order namely,

G.O.Ms.No.570, Home (Courts-V) Department, dated 05.05.2025,

granting the eligible medical claim under the Tamil Nadu Medical

Attendance Rules.

3. Mr.C.Umashankar, learned counsel appearing for the petitioner would contend that the petitioner is entitled to reimbursement of the actual medical expenditure incurred by him i.e., Rs.5,31,383/-, whereas only a meagre amount has been settled under the Tamil Nadu Medical Attendance Rules. He would further submit that the petitioner is a member of the Tamil Nadu Medical Insurance Scheme and that the subscription amount is being deducted from his monthly salary. Therefore, according to him, the entire actual medical expenditure ought to be reimbursed.

4. Mr.S.John J.Raja Singh, learned counsel appearing on behalf of the High Court would oppose the same by stating that the petitioner has not undergone treatment in an approved hospital. He had taken treatment



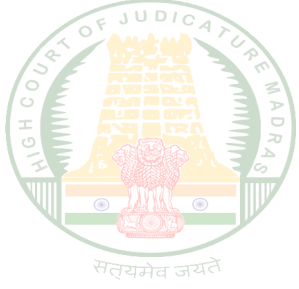
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in a hospital of his own choice and therefore, he is not eligible to avail reimbursement under the medical insurance scheme. However, his case was considered under the Tamil Nadu Medical Attendance Rules and the eligible amount has been sanctioned by the Government. Thus, he is not entitled to claim any further amount.

5. The learned Government Counsel would also oppose the claim by stating that the Deputy Registrar (Admn-I), High Court, Madras had forwarded the claim petition to the Joint Director, Directorate of Medical and Rural Health Services and the Joint Director (Law), Directorate of Medical and Rural Health Services, Chennai. The claim of the petitioner was placed before the District Level Empowered Committee (DLEC) on 25.05.2021 and the Committee took the following decision :

“The treatment taken in non-network hospital under the non-emergency situation and the treatment is covered under the scheme. However, the claim of the petitioner is recommended by the committee under the Tamil Nadu Medical Attendance Rules (TNMAR) as per the guidelines issued by the Government.

It is submitted that in view of the recommendation of the DLEC, the Deputy Registrar (Admin.I) High Court of Madras, has obtained the Tamil Nadu Medical Attendance Rules rate from the Director of Medical Education, Kilpauk (DME,



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Chennai) enclosing the remarks of the Dean, Rajiv Gandhi Government General Hospital, Chennai, with a request that necessary orders sanctioning reimbursement of medical expenses incurred by Thiru.Sanjeev Thakur, Office Assistant, Madras High Court, Chennai. The Dean, Rajiv Gandhi Government General Hospital, Chennai, has furnished the remarks about the treatment as follows:

1) Not Emergency

2) Facilities are available in Rajiv Gandhi Government General Hospital, Chennai-3.

3) The Treatment / Major Surgery.

The cost of admissible medicines and consumables are allowed as per the Tamil Nadu Medical Attendance Rules only. Admission Charges, Professional fees surgeon fees, Assistant Surgeon Fees, Registration Fees, Nursing care and Anesthetist fees all are free of costs.”

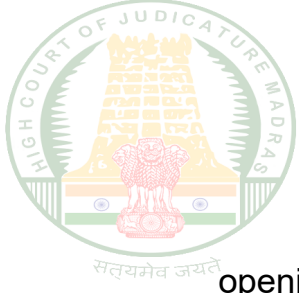
6. The Empowered Committee considered the application with reference to the terms and conditions of the medical scheme and found that the petitioner was ineligible to claim reimbursement since he had undergone treatment in a non-network hospital despite the fact that there was no emergency in his case. The Dean, Rajiv Gandhi Government General Hospital, Chennai, furnished his remarks regarding the treatment, which revealed that there were no emergency circumstances warranting



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treatment in a private hospital. Thus, the treatment was undertaken by the petitioner in a private hospital of his own volition and therefore, he cannot claim reimbursement of the actual medical expenses incurred by him. That apart, the treatment undergone by the petitioner was very much available in the Government Specialty Hospitals as well as in the Rajiv Gandhi Government General Hospital, Chennai. Citing these reasons, the case of the petitioner was considered under the Tamil Nadu Medical Attendance Rules, under which he was found eligible. Accordingly, the eligible reimbursement under the said Rules has already been sanctioned through the impugned order.

7. The learned counsel for the petitioner would urge by stating that medical emergency is to be considered under the circumstances of the case. This Court is of the considered view that, no doubt, in certain extraordinary circumstances, if an employee, on account of emergency, undergoes treatment in a nearby private hospital, then such cases may be considered by the Court by adopting a lenient approach. However, such a principle cannot be applied in all the cases where no emergency is involved and where similar facilities are available in approved hospitals situated nearby.

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8. If such cases are entertained indiscriminately, it would result in opening a Pandora's box, where every employee who undergoes treatment in a private hospital of his or her own choice would claim reimbursement of the actual medical expenses incurred, resulting in substantial financial implications for the State Exchequer. The medical reimbursement scheme is required to be operated strictly in accordance with its terms and conditions. The High Court may exercise its discretion only when certain extraordinary facts and circumstances are established warranting exceptional consideration.

9. In all other cases, the terms and conditions stipulated under the scheme must be scrupulously followed, and any violation would result in unnecessary financial constraints to the State. Applying the said principle to the present case, the authorities considered the medical claim of the petitioner and found that he had undergone treatment in a non-network hospital during a non-emergency situation. Therefore, he is not eligible to claim any further amount under the Scheme. The amount for which he is eligible under the Tamil Nadu Medical Attendance Rules has already been sanctioned through the impugned order. This being the factual position, the petitioner is not entitled to any further relief.



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10. The petitioner has not stated about the nature of the accident allegedly sustained by him. No police complaint was lodged, though the petitioner claims to have met with a road accident. The manner and nature of the accident have also not been explained, though the petitioner states that the accident occurred at Kilpauk. No emergency treatment was taken by the petitioner at the nearby Government Kilpauk Medical College Hospital, where all necessary medical facilities and infrastructures are available. When the very nature of the accident remains unexplained and ambiguous, the claim made by the petitioner seeking reimbursement of the entire medical expenditure cannot be considered.

11. With the above observations, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

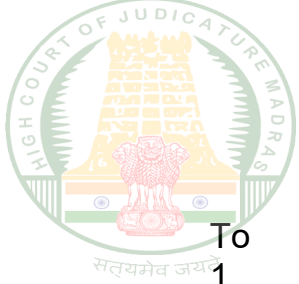
(S.M.S.,J.) (N.S.,J.)
04.06.2026

Index : Yes
Neutral Citation : Yes
Speaking order

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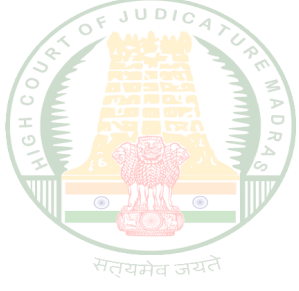
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**S. M. SUBRAMANIAM, J.,
and
N.SENTHILKUMAR, J.,**

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W.M.P.No.47649 of 2025**

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