

W.P.(MD)No.25304 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.25304 of 2018

and

W.M.P(MD)No.22916 of 2018

C.Mani

... Petitioner

Vs.

1.Principal Secretary to Government of Tamil Nadu,  
Department of Finance (Pension),  
Secretariat, Chennai.

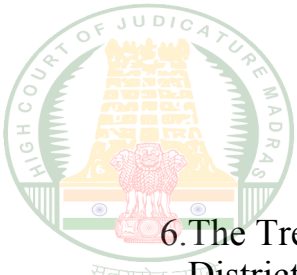
2.Director,  
Health and Rural Services,  
Chennai.

3.Director of Treasuries and Accounts,  
Panagal Building,  
2<sup>nd</sup> Floor, Saidapet, Chennai-15.

4.The Principal District Judge,  
Pudukkottai.

5.The District Collector,  
Pudukkottai District.

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6. The Treasury Officer,  
District Treasury Office,  
Pudukkottai.

7. The Divisional Manager,  
United India Insurance Company Limited,  
Divisional Office-6,  
PLA Rathna Towers,  
5<sup>th</sup> Floor, 212, Anna Salai,  
Chennai.

...Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2<sup>nd</sup> respondent in O.Mu.No.16704/Kape1/3/2017, dated 02.04.2018 and quash the same as illegal and arbitrary and in consequence thereof to direct the respondents to sanction and reimburse medical expenses of Rs.1,24,576/- (Rupees One Lakh Twenty Four Thousand Five Hundred and Seventy Six Only) for the left radical nephrectomy with left hydrocele eversion treatment undergone by the petitioner at BRS Hospital Private Limited, Chennai along with 9% interest till the date of payment.

For Petitioner : Mr.P.Ganapathi Subramanian  
For R1 to R6 : Mr.S.Shanmugavel,  
Additional Government Pleader  
For R7 : Mr.A.Shajahan



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## ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The order of rejection to settle the medical reimbursement claim of the writ petitioner issued by the Director of Health and Rural Services / 2<sup>nd</sup> respondent, dated 02.04.2018, is under challenge in the present Writ Petition.

2.The petitioner is a State pensioner and admittedly, a member of Medical Health Scheme. The petitioner was holding the post of Chief Administrative Officer in Principal District Court, Pudukkottai and retired from service on 30.09.2010. He pays subscription under the scheme regularly. The petitioner had taken treatment as in patient by undergoing surgery for left renal tumour (Cancer) with effect from 03.04.2016 to 09.04.2016 at BRS Hospital, Chennai. The petitioner spent a sum of Rs.1,24,576/- (Rupees One Lakh Twenty Four Thousand Five Hundred and Seventy Six Only) towards medical expenses. An application was submitted, seeking medical reimbursement. The medical claim petition of the petitioner was rejected by the 2<sup>nd</sup> respondent on the ground that the petitioner undertook treatment in a non-network hospital and therefore, the petitioner is not eligible for medical reimbursement claim.



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3.The learned Additional Government Pleader appearing for the respondents 1 to 6 has made a submission that the medical claim will be settled only in the event of taking treatment in a network hospital and the hospital, in which the petitioner took treatment, is not a network hospital and therefore, the rejection is in order.

4.The learned counsel appearing for the 7<sup>th</sup> respondent / Insurance Company has made a submission that the order of rejection was passed by the 2<sup>nd</sup> respondent and he supported the grounds raised by the 2<sup>nd</sup> respondent.

5.The issues regarding the settlement of the medical claim are no more *res-integra* in respect of the treatment undertaken in a non-network hospital. Several orders have been passed by the Courts to settle the medical reimbursement claim and not to reject the same merely on the ground that the hospital is not falling under the list of network hospitals.

6.In the present case, the genuinity of the treatment taken by the petitioner has not been disputed. Once the treatment is found to be genuine, there is no reason to reject the medical claim of the petitioner.



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7. In view of the facts and circumstances, the impugned order passed by the 2<sup>nd</sup> respondent dated 02.04.2018 is set aside. The 7<sup>th</sup> respondent is directed to settle the eligible medical reimbursement claim of the petitioner under the scheme within a period of six (6) weeks from the date of receipt of a copy of this order and the respondents 1 to 6 shall ensure that the payment is made by the 7<sup>th</sup> respondent within the time stipulated by us in this order.

8. With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(S.M.S., J.) & (V.L.N., J.)**

**05.12.2023**

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

*Yuva*

To  
1. Principal Secretary to Government of Tamil Nadu,  
Department of Finance (Pension),  
Secretariat, Chennai.

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2. Director,  
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**S.M.SUBRAMANIAM, J.**

**AND**

**V.LAKSHMINARAYANAN, J.**

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