

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11665 of 2021

and W.M.P.Nos.12413, 12414 of 2021

A.Anand

President, Democratic Youth Federation of India

Puducherry State Committee

No.170/3, Livelihood Resource Centre

ECR, Lawspet, Puducherry - 605 008.

... Petitioner

Vs

1 Government of Puducherry
Rep. by its Chief Secretary
Puducherry.

2 The Director of Health and Family Welfare
Puducherry.

3 The District Collector - Cum-District Magistrate
Puducherry.

4 Sri Venkateshwara Medical College
Hospital and Research Center

Rep. by its Director
Puducherry.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to ensure free treatment to the Covid patients in the Union Territory of Puducherry.

WWW.LIVELAW.IN

For Petitioner : Ms.M.N.Sumathy
For Respondents : Mr.N.Mala,
Government Pleader,
for respondents 1 to 3
Mr.L.Swaminathan,
for 4th respondent

ORDER

(Made by the Hon'ble Chief Justice)

The grievance in the petition is that private hospitals and medical colleges which have been earmarked as Covid treatment centres by the Government of Puducherry have been demanding fees and charges from patients despite not being so entitled.

2. As has been recorded in one of the previous orders, the fourth respondent private medical institution indicated that in certain cases the patients or the patient parties insisted on additional tests being conducted that had not been recommended by doctors and it is only in such cases that the additional charges for the tests were demanded from the patients. It is also submitted on behalf of the private medical colleges and institutions that have

been earmarked for exclusive Covid treatment that no money has been forthcoming from the local government even to provide for the daily diet of the many patients who have taken admission and most of whom who have been discharged.

3. Pursuant to a direction issued on June 3, 2021, a short report has been filed by the Director of Health and Family Welfare Services of the Government of Puducherry. Such report reveals that a princely advance amount of Rs.5 lakh was made over on October 1, 2020 to Sri Venkateshwara Medical College and subsequent amounts of Rs.10 lakh and Rs.5 lakh have been released to the same medical college on May 21, 2021 and June 2, 2021, respectively. The report reveals that Rs.20 lakh has been released to each of the private medical colleges towards food charges of the Covid patients referred by the government.

4. Given the many cases that were referred to the private medical institutions by the government because of lack of space and accommodation at government facilities, it is inconceivable that a sum of Rs.20 lakh has been paid to each of the private hospitals

without reference to the bed strength at each of the private hospitals or the number of patients dealt with by each of the private hospitals. A submission was made on June 3, 2021 on behalf of the fourth respondent that the sums released did not cover the daily diets of the patients and private hospitals were expected to arrange their own funds for the treatment in cases referred to by the government without any immediate sign of any payment being released.

5. It is submitted on behalf of the Union Territory that bills have to be submitted, vetted and approved for payments to be released and there is a necessary time lag in the process. However, whatever the level of scrutiny that is to be undertaken, it is inconceivable that what is essentially government duty would have been performed by private players without the government even picking up the tab on a day-after or reasonable period-after basis. Covid patients still remain, some in critical condition, in private hospitals and the like. It is imperative that the government takes up the matter relating to the payments due to the private medical colleges on a priority basis so that the treatment rendered to Covid

WWW.LIVELAW.IN

patients is not compromised by the private organisations for lack of funds.

6. The matter will appear a week hence and it is hoped that substantial payments would be released to the private hospitals to enable the continued treatment of Covid patients thereat. The private hospitals are also requested to not let up in the quality of treatment which is rendered merely because money has not been forthcoming. The health of the patients is of paramount importance.

7. List the matter again on 11.06.2021. In the meantime, the writ petitioner's allegations of undue charges being levelled by private hospitals in Puducherry should also be looked into by the official respondents.

सत्यमेव जयते

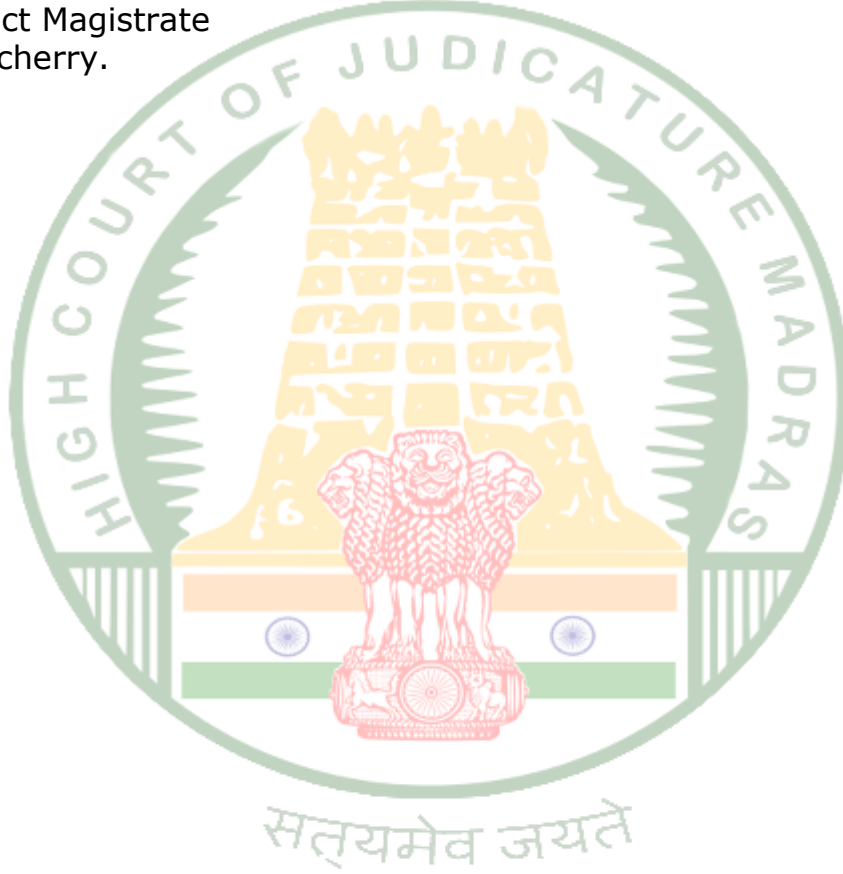
WEB COPY (S.B., CJ.) (S.K.R., J.)
04.06.2021

sasi/bbr

WWW.LIVELAW.IN

To:

- 1 The Chief Secretary
Puducherry.
- 2 The Director of Health and Family Welfare
Puducherry.
- 3 The District Collector - cum-
District Magistrate
Puducherry.



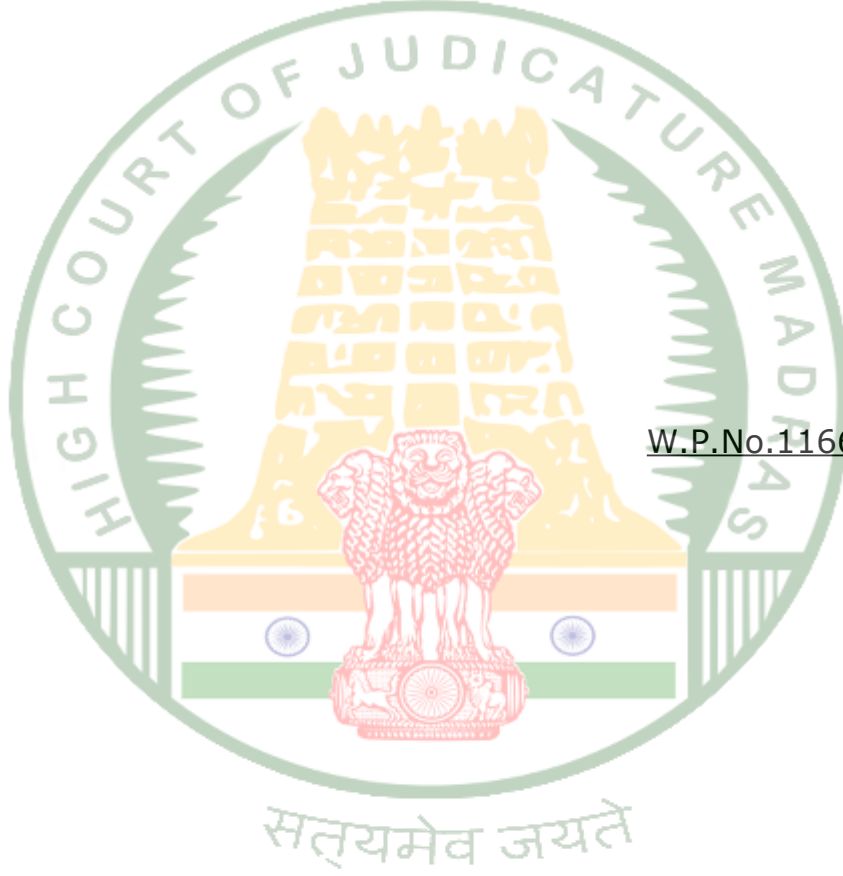
WEB COPY

W.P.No.11665 of 2021

WWW.LIVELAW.IN

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sasi/bbr)



W.P.No.11665 of 2021

WEB COPY

04.06.2021