

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12011 of 2021

D.I.Nathan

... Petitioner

Vs.

- 1 The Chief Secretary
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
- 2 The Principal Secretary
Department of Health and Family Welfare
Secretariat, Fort St. George
Chennai 600 009.
- 3 The Director of Public Health
DPA Campus, Teynampet
Chennai 600 018.
- 4 The Director of Medical Education
DME Office, KMCH Campus, Kilpauk
Chennai 600 010.
- 5 The Director of Medical and
Rural Health Services
DMS Complex
361, Anna Salai
Chennai 600 018. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 to 5 to devise a scheme of undertake all the private Nursing Homes, Poly clinics and Hospitals of all kinds existing in the State of Tamil Nadu under their control to admit and to provide free treatment effectively to the Covid -19 Pandemic Positive infected patients of Tamil Nadu State during this Covid -19 Pandemic Medical Emergencies situation and circumstances since there has been exigent need of lot of Beds and other medical facilities till Covid-19 Pandemic viral infection vanishes in the state at this juncture on the basis of News Paper Reports published in The Hindu daily dated 01/05/2021, The Indian Express daily dated 07/05/2021 and The Times of India dated 09/05/2021.

For Petitioner : Mr.R.Krishnamurthy
For Respondents : Mr.R.Shunmugasundaram
Advocate-General
Assisted by
Mrs.A.Srijayanthi, Spl. Govt. Pleader
: Mr.N.G.R.Prasad
for intervenor.

ORDER

(Made by the Hon'ble Chief Justice)

सत्यमेव जयते

The matter pertains to the charges for treating Covid patients in private nursing homes and the like.

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2. In G.O. Ms. No. 251 of the Public Health and Family Welfare Department dated May 22, 2021, the State has introduced the Chief

Minister's Comprehensive Health Insurance Scheme for all families where the annual income is less than Rs.72,000/- per annum.

3. It is submitted both by the petitioner and by at least one intervenor that this quantum is too low since, even on the basis of the minimum wages payable to an unskilled worker, the annual income of a family with an unskilled worker as its bread-earner will exceed the minimum eligibility threshold. The petitioner and such intervenor appeal for the threshold to be raised so that the scheme can cover a larger number of persons.

4. Since this is a matter of policy, it is left to the State to consider whether the upward revision of the minimum threshold limit would be appropriate. However, the appeal appears to be reasonable and it is hoped that the minimum threshold level would be substantially increased to allow a larger number of families to avail of the benefit under the Scheme.

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5. It also appears that under the same Government notification, certain caps have been imposed for treatment of the general public who do not come under the Chief Minister's Comprehensive Health

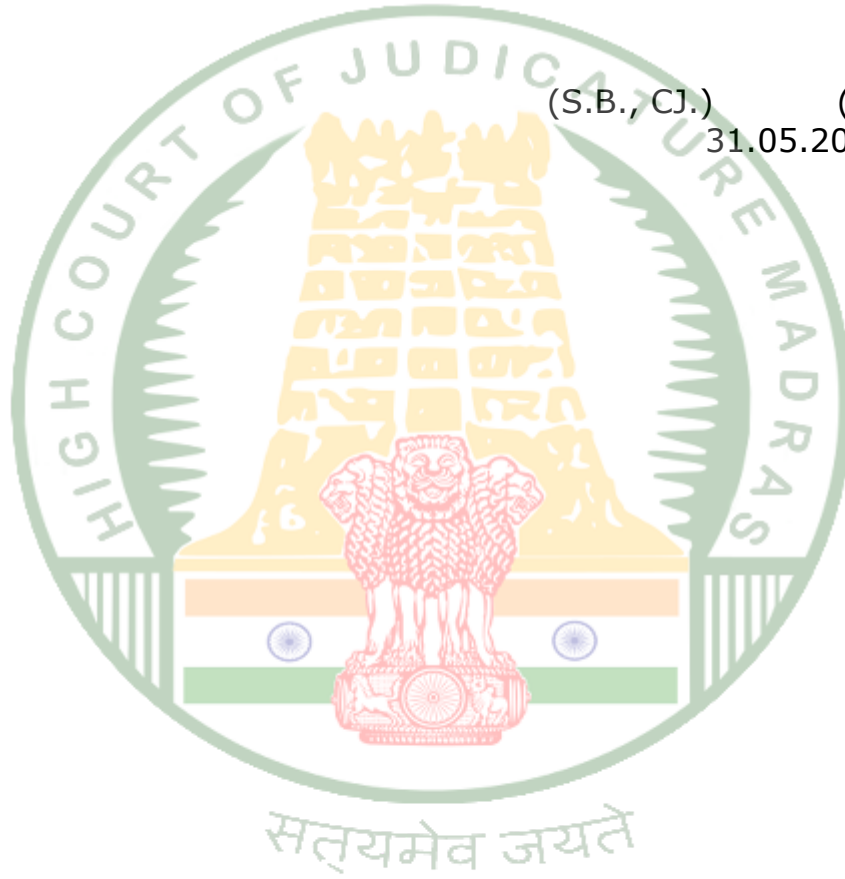
Insurance Scheme. Certain daily rates have been fixed for patients who need oxygen support and patients who are not critical and do not require oxygen treatment. It is also submitted on behalf of the State that there are beds available in Government hospitals and facilities all over the State except in a few pockets. Learned Advocate-General says that there are beds available in Government hospitals in and around Chennai.

6. Since the second surge appears to have been brought under control or has somewhat abated in the light of the measures taken all round, the financial difficulties faced by ordinary citizens, particularly those who are not able to afford expensive treatment, should be looked into by the State. There is no doubt that every family would have gone beyond its means to ensure the best treatment for its members; but these families would have been drained of their savings or may have gone into debt. This is a matter which requires the attention of the State and the data has to be gathered before any effective policy decision is taken. It is hoped that such aspect will engage the attention of the State, sooner rather than later.

7. The matter will appear a week hence.

List on 07.06.2021.

sra



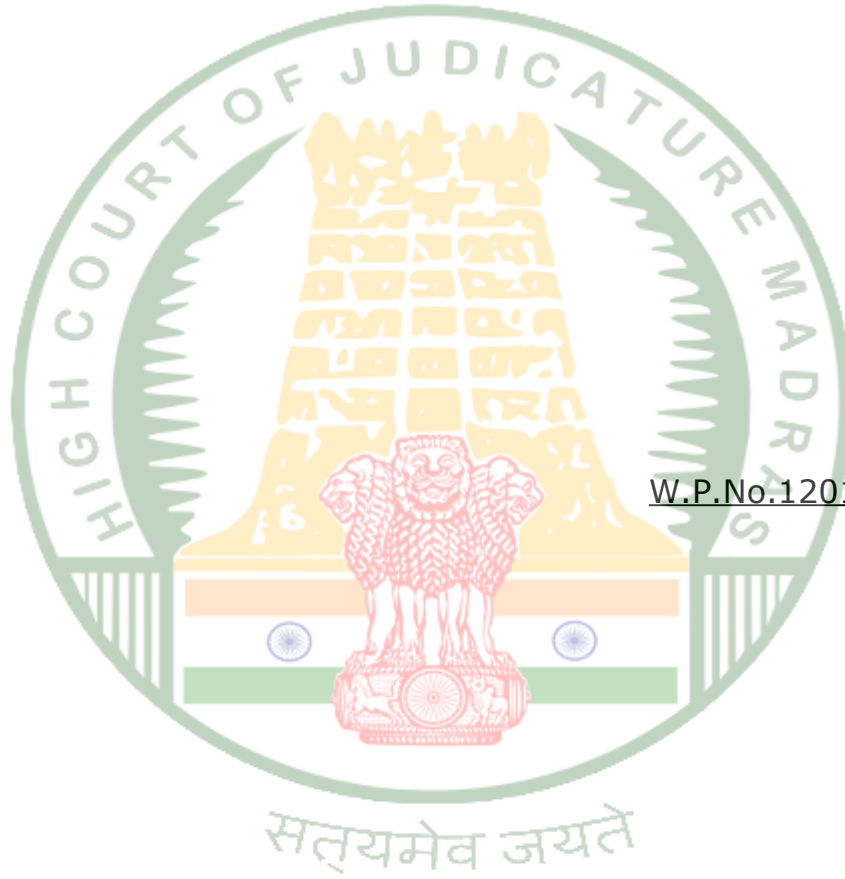
(S.B., CJ.) (S.K.R., J.)
31.05.2021

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

(sra)



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