



WWW.LIVELAW.IN

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Sixth day of May Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.9397 of 2021

A.VERONICA MARY

... PETITIONER

Vs

1 THE SECRETARY,
UNION OF INDIA,
THE DEPARTMENT OF HEALTH AND FAMILY WELFARE,
NIRMAN BHAWAN, MAULANA AZAD ROAD,
RAJPATH AREA, CENTRAL SECRETARIAT,
NEW DELHI - 110 01.

2 THE PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
STATE OF TAMILNADU, STATE SECRETARIAT,
FORT ST.GEORGE, CHENNAI - 600 009.

3 THE DIRECTORATE OF MEDICAL EDUCATION,
REP BY THE DIRECTOR,
162, PERIYAR E.V.R. HIGH ROAD,
KILPAUK, CHENNAI - 600 010.

4 THE DISTRICT COLLECTOR,
MADURAI DISTRICT,
OFFICE OF THE MADURAI COLLECTOR,
MADURAI.

5 THE DIRECTOR,
PUBLIC HEALTH AND PREVENTIVE MEDICINE,
DMS COMPOUND, TEYNAMPET,
CHENNAI - 600 018.

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ of Mandamus , to direct the respondents to

a). To strictly implement the G.O.Ms.No.240 dated 05-06-2020 issued by the Department of Health Welfare (EAP-1) Department, and

https://www.mhc.tn.gov.in/judiscost for the treatment of Covid-19 in all the Private



hospitals, and consequently take action on the hospitals which are not following the said G.O.Ms.No.240 dated 05-06-2020.

b). To strictly implement G.O.No.219 issued by the Health and Family Welfare (P1) Department dated 30-04-2021 and allocate 50 percentage beds for the treatment of Covid-19 in all the Private hospitals and consequently take action on the hospitals which are not following the said G.O.No.219 issued by the Health and family welfare (P1) Department dated 30.04.2021.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.ALAGUMANI.R, Advocate for the petitioner and of Ms.L.VICTORIA GOWRI, Assistant Solicitor General of India on behalf of the Respondent No.1 and Ms.SRIMATHY, Special Government Pleader for Respondent Nos.2 to 5, the court made the following order:-

[Order of the Court was made by B.PUGALENDHI, J.]

This writ petition is filed as a Public Interest Litigation for a writ of mandamus directing the respondents to strictly implement the Government Orders in G.O(Ms).No.240 Health and Family Welfare [EAP-1] Department, dated 05.06.2020 and G.O(Ms)No.219, Health and Family Welfare [P1] Department, dated 30.04.2021.

2.The Government Order in G.O(Ms).No.240 Health and Family Welfare [EAP-1] Department, dated 05.06.2020 was issued by the Government for inclusion of new packages for the treatment of Covid-19 for the beneficiaries under the Chief Minister's Comprehensive Health Insurance Scheme for general public in empanelled private hospitals and labs by fixing ceiling rates for the treatment of Covid-19 and for the test of RT-PCR.

3.The Government Order in G.O(Ms)No.219, Health and Family Welfare [P1] Department, dated 30.04.2021 was issued directing all the private clinical establishments in the State of Tamil Nadu to allocate minimum 50% of the total bed capacity for treating Covid-19 patients.

4.The World Health Organisation has declared Covid-19 Pandemic as a public health emergency of international concern and taking note of the same, the Government issued G.O(Ms).No.240 Health and Family Welfare [EAP-1] Department, dated 05.06.2020 during the 1st wave of Covid-19 Pandemic, fixing the cost of hospital expenses for the people undergoing treatment for Covid-19 Pandemic in the private hospitals. The Government had classified the hospitals as Grade A1/A2 and Grade A3/A4 depending upon their infrastructure and facilities fixed the maximum cost for the treatment from Rs.5,000/- to Rs.15,000/- per day depending upon the facilities and the Grade.



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5.The grievance of the petitioner is that though the Government has issued the Government Order fixing the maximum cost to be charged for the treatment of Covid-19 by the private clinical establishments, it is not followed by the private hospitals and they are charging exorbitantly upto Rs.2,00,000/- for ten days. The hospitals depending upon their Grade at the maximum can charge Rs.15,000/- per day, whereas, some hospitals are charging around Rs.1,00,000/- per day.

6.Mr.R.Alagumani, learned Counsel for the petitioner has referred to some of the bills charged by the private hospitals, which is annexed in the typed set of papers filed along with the writ petition. He would further submit G.O.Ms.No.219, dated 30.04.2021 was issued directing the private clinical establishments to allocate minimum 50% of the total bed capacity for treating the Covid-19 patients, since Covid-19 pandemic is declared as international health emergency. But private hospitals are not providing beds as directed in the said Government Order and there is no proper mechanism available for implementation of the above said Government Orders.

7.The learned Counsel for petitioner would further submit that several others States in this Country are maintaining a separate web portal with the details of the availability of beds in the private hospitals for the treatment of the Covid-19 patients and the details of the prescribed fees are also made available in the web portal.

8.Ms.L.Victoria Gowri, learned Assistant Solicitor General of India takes notice for respondent No.1 and Ms.Srimathy, learned Special Government Pleader takes notice for respondent Nos.2 to 5.

9.In view of the submission made by the learned Counsel for the petitioner and the materials placed on record, this Court is inclined to know the following details from the respondents to proceed with the writ petition further.

i. Whether the Government Orders in G.O(Ms).No.240 Health and Family Welfare [EAP-1] Department, dated 05.06.2020 and G.O (Ms)No.219, Health and Family Welfare [P1] Department, dated 30.04.2021 are strictly complied with in its letter and spirit?

ii.How the Government is monitoring the implementation of the aforesaid Government Orders?

iii. Whether the maximum cost for Covid-19 treatment as directed by the Government in the aforesaid Government Orders is exhibited in a prominent manner in the private hospitals enabling the general public to know about the charges and the details of the authority to whom any complaint regarding the exorbitant charges and violations of the said Government Orders, can be lodged?



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iv. What is the penal provision or penalty contemplated for violation of the aforesaid Government Orders and who is the authority monitoring the implementation of the aforesaid Government Orders?

v. How many complaints have been received by the Government for violation of the said Government Orders and what is the action taken on the complaints, if any?

vi. Why not the Government maintain a separate portal giving the availability of the private hospitals and their bed capacity along with the fees structure in the portal, as maintained by Uttar Pradesh and Delhi, etc.,

vii. The Government Order in G.O(Ms).No.240 Health and Family Welfare [EAP-1] Department, dated 05.06.2020 mentions that the beneficiaries under the Chief Minister's Comprehensive Health Insurance Scheme are covered in the empanelled private hospitals and if so, how many persons have been treated under the scheme so far.

viii. Whether under the Tamil Nadu Employees Health Insurance Scheme, the Government servants are entitled to take treatment for Covid-19 in the private hospitals?

10.This Court appreciates the valuable services rendered by the Doctors, Nurses, all health workers and all other frontline workers during this Covid-19 pandemic. At the same time, the receipt placed before this Court shows that exorbitant charges have been collected by some hospitals, even during this difficult time, which cannot be permitted. The hospitals are taking advantage of the Covid-19 Pandemic situation, it appears, making use of it to collect exorbitant charges.

11.The respondents shall file their response to the above queries, before the next date of hearing. Call on 12.05.2021.

sd/-

06/05/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

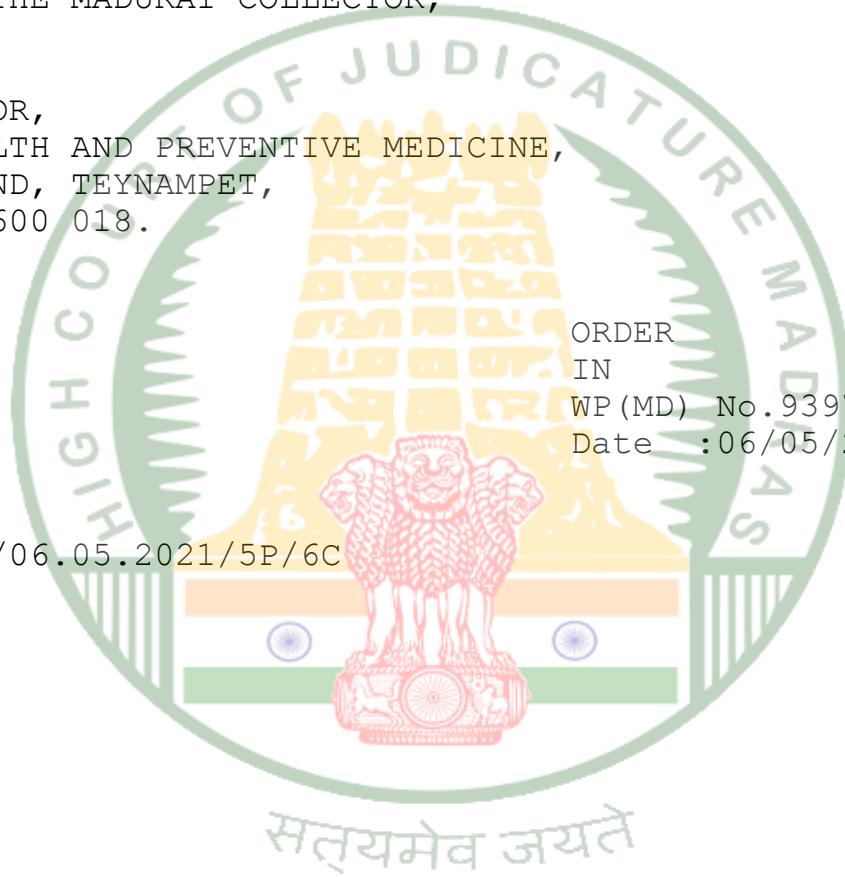
TO

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ORDER
IN
WP(MD) No.9397 of 2021
Date :06/05/2021

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