

Devan Ramachandran &
Dr.Kauser Edappagath, JJ.

R.P.No.379 of 2021 in
W.P.(C)No.10659 of 2021 S

Dated this the 23rd day of June, 2021

ORDER

Devan Ramachandran, J.

The hearing today has taken a complete twist.

2. Sri.S.Kannan, the learned Government Pleader, appearing on behalf of the State and its functionaries, informed this Court that Government has now issued an order on 16.06.2021 - producing it along with a memo dated 22.06.2021 - supplementing the tariff fixed for private hospitals - through the earlier order dated 10.05.2021 - allowing them to decide the rates 'for other categories of beds like private rooms and suites'.

3. Without requirement of expatiation, what has been now done by the Government through this order is to allow the private hospitals to fix any rate for the rooms and suites and this takes away much of the laudatory objective of its first order dated 10.05.2021 because, as is clear therefrom, the rates fixed for the beds includes all corollary charges like nursing, boarding, doctor's fee, etc. Now, by allowing the private hospitals to fix any rate for their rooms and suites, they have become empowered to

go back to the earlier situation in charges, *albeit*, with a condition that such rates be displayed prominently. We are of the view that such a display would be of no avail to an ordinary person who approaches for COVID-19 treatment, since, at that time, he would really have no choice, his life being in peril.

4. Apart from this, there are some issues with respect to the treatment of 'pre-existing co-morbidities', which the learned counsel for the review petitioner, Sri.K.Anand, asserts that the afore order does not offer a clear meaning. According to him, if a COVID-19 patient had pre-existing co-morbidities during hospitalisation, treatment for the same should also be excluded.

5. The learned Government Pleader, Sri.S.Kannan, presumably, discerning the mind of this Court, prayed that a week's time be granted to the State to respond appropriately, saying that all issues will be properly considered in the meanwhile.

6. Our mind certainly travel to more aspects to say, but we choose to refrain from doing so because an opportunity must be given to the State to consider the issues in its right perspective.

7. However, in the meanwhile, we cannot allow the Government Order dated 16.06.2021 to operate for the reasons stated above and therefore, deem it appropriate to suspend it till the next hearing date.

List this matter on 30.06.2021, until which time the Government Order dated 16.06.2021 will remain suspended.

Hand over.

Sd/-
Devan Ramachandran, Judge

Sd/-
Dr.Kauser Edappagath, Judge

tkv