



WEB COPY

WP No. 30253 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 30253 of 2024

R.Iswarappan

S/o.Rajamanickam.

Petitioner(s)

Vs.

1. The Joint Director of Medical and
Rural Health Services,
No.79, Vepamara Street,
Velapadi, Vellore- 632 001.

2.The Regional Manager,
United India Insurance Company, Limited,
Chennai-06.

3.The Divisional Manager,
United India Insurance Company Limited,
5th Floor, PLA Rathna Towers,
No.212, Anna Salai, Chennai-06.

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 2 and 3 to sanction and disburse to the petitioner the remaining medical expenditure of Rs.2,96,000 /- incurred by the petitioner in the light of the proceedings in Na.ka. No.4345/ Ka3/ 2023 dated 09.08.2023, passed by the 1st respondent herein within the time frame fixed by this court.



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For Petitioner

Mr.A.Rajendiran

For R1

Mr.E.Sundaram,
Government Advocate.

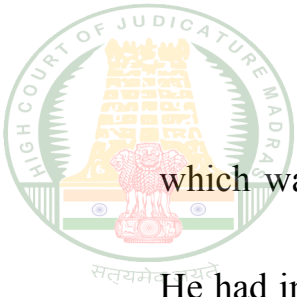
For R2

Ms. Gayathri Ranganathan.

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction against the second and third respondents and sanction and disburse the medical expenses of Rs.2,96,000/- incurred by the petitioner in the light of the proceedings in Na.ka. No.4345/ Ka3/ 2023, dated 09.08.2023, passed by the first respondent herein.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner had joined as Physical Director (Sel.GR) on 04.06.1972 and retired from service after putting in more than 31 years of service. He had also been issued with a pension order. On 22.09.2021, his health condition had been seriously affected and he has been admitted in the Sparsh hospital at Bangalore. It was found that he was affected with the condition of Advanced Osteoarthritis of bilateral knee. He required urgent treatment. He had therefore undergone total replacement of both the knees,



which was done under spinal anaesthesia. He was discharged on 01.10.2021.

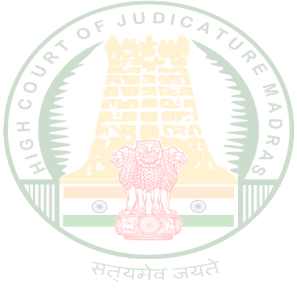
He had incurred total medical expenses to a sum of Rs.5,50,000/-. Petitioner is also a subscriber of New Health Insurance Scheme, 2018 for Pensioners/Family Pensioners and every month amount had been deducted from the pension towards the insurance scheme. Petitioner made a representation on 27.11.2021 together with discharge summary and medical bills to the first respondent. The first respondent has disbursed a sum of Rs.2,54,000/- through State Bank of India, Gudiyattam Branch, on 21.12.2022. The petitioner made yet another representation on 03.04.2023 to the first respondent for the balance amount. It had been contended that since the said amount had not been paid inspite of the proceedings being issued on 09.08.2023 by the Joint Director of Medical and Rural Health Services, Vellore, who had stated that the amount had been approved by the District Medical Committee and had also been sanctioned by the District High Level Committee on 02.06.2022 and sent to the Divisional Manager, United India Insurance Company at Chennai, the third respondent had declined to effect the payment. It is under those circumstances, the writ petition has been filed in the nature of a mandamus.



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3. The third respondent however, contested the statement made that the District High Level Committee had sanctioned the payment of a sum of Rs.2,96,000/-. In this connection, the learned counsel placed reliance on the claim list dated 27.02.2022 by a string of pensioners and the name of the petitioner is in serial number 175, wherein, it had been stated that he had undergone total knee replacement (both knee for OA both knee) at Sparsh hospital at Bangalore, between 22.09.2021 and 01.10.2021 and had incurred a sum of Rs.5,50,000/- towards expenses. It is however contended on behalf of third respondent that the District High Level Committee had never sanctioned the amount as claimed by the petitioner herein. However, this particular statement runs contrary to the document dated 09.08.2023 issued by the Joint Director of Medical and Rural Health Services Authority, which is as follows;

திரு.R.ஈஸ்வரப்பன், ஏண்.29A, ஜவஹர்லால்
தெரு, நடுப்பேட்டை, குடியாத்தம், வேலூர்-
632602 என்பவரின் மருத்துவ
செலவினப்பட்டியல்கள் மாவட்ட
மருத்துவக்குழுவால் அங்கீகரிக்கப்பட்டு மாவட்ட
உயர்மட்ட குழுவின் ஒப்புதலுடன் 02.06.2022
அன்று The Divisional Manager, United India
Insurance Company Limited, 5th Floor, PLA Rathina
Towers, 212, Anna Salai, Chennai – 6, என்ற
முகவரிக்கு அனுப்பப்பட்டது.



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பார்வையில் காணும் திரு.R.ஈஸ்வரப்பன்,
ஏண்.29A, ஜவஹர்லால் தெரு, நகுப்பேட்டை,
குடியாத்தம், வேலூர்- 632602 என்பவரின் Writ
Petition படி Remaining reimbursement amount
(Rs.2,96,000) கோரியுள்ளார்.

அதன்படி தனியரின் மருத்துவ
செலவினப்பட்டியல் தொகை ரூ.5,50,000/- ம
மாவட்ட மருத்துவகுழுவினால் பரிந்துரை செய்து
அனுப்பப்பட்டது.

மாவட்ட மருத்துவக் குழு மற்றும் மாவட்ட
உயர்மட்ட குபவானது மருத்துவ
செலவினப்பட்டியல்களுக்கு ஒப்புதல் அளித்து
பரிந்துரை மட்டுமே செய்ய இயலுமே தவிர
ஆணை வழங்க இயலாது. எனவே காப்பீட்டு
நிறுவனத்தை தொடர்வு கொள்ளுமாறு
தொரிவித்துக்கொள்ளப்படுகிறது.

4.A rough translation of the aforementioned would show that the petitioner had incurred a sum of Rs.5,50,000/- and that the said amount had been recommended by the District Medical Committee. It had also been further stated that this amount had also been sanctioned or rather approved by the District Level Empowered Committee. Necessary approvals are available in this particular letter referred above.

5.The learned counsel for the petitioner stated that in the meeting, Insurance Officials should also be present, but that his signature is not available.



It is stated that the representative of the United India Insurance Company should also be present and should have signed the document.

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6.The said representative who had been nominated and who is unnamed and the learned counsel has also not given the name and neither has given the designation of the said representative, has taken a conscious decision, not to attend the meeting and later has putforth an argument that merely because his signature is not appended, the Court should not act on the said document. The said representation and the conduct of the officials of the United India Insurance Company has to be condemned. They have a responsibility to attend the meeting whenever called for. They delegate the power to a representative. If the third respondent/Divisional Manager is to sit in his Air Conditioned room and delegate a representative, whose name is not conveyed in the Court and whose designation is not conveyed in the Court and claim that merely because that particular representative had not gone over to the meeting, the claim of the petitioner should be rejected, I would say that such an argument should be rejected.



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7. A direction is given to the third respondent that they must honour their commitment to reimburse the amount, which had been spent by the retired Government servants towards their medical expenses. The amount which has to be reimbursed to the petitioner is a sum of Rs.2,96,000/-, which is the amount, which is mentioned in the document extracted above. A direction is given that such amount should be released and disbursed within a period of two weeks from the date of receipt of a copy of this order.

8. The writ petition stands disposed of. No Costs. But however in order to ascertain the conduct of the third respondent, the third respondent/The Divisional Manager, United India Insurance Company Limited, 5th Floor, PLA Rathna Towers, No.212, Anna Salai, Chennai-06, is directed to be present before this Court on 15.04.2025 at 2.15 p.m.

9. List this matter on 15.04.2025 at 2.15 p.m.

07-04-2025

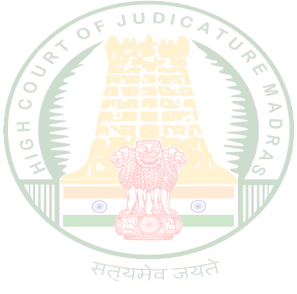
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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C.V.KARTHIKEYAN J.
sli

To

1.The Joint Director Of Medical And
Rural Health Services, No.79,
Vepamara Street, Velapadi,
Vellore- 632 001.

2.The Regional Manager
United India Insurance Company
Limited, Chennai-06.

3.The Divisional Manager
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