

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25348 of 2015

And

M.P.No.1 of 2015

A.Kuppan

... Petitioner

Vs.

1 The Chief Educational
Officer Villupuram

2 The Commissioner of
Treasurer and Accounts
Chennai - 15

3 Star Health and allied
Insurance Co Ltd
(Tamilnadu Govt Employees
New Health Scheme)
No.2A Ganga Nagar Road
Opp. To BSNL Office Kodambakkam
Chennai - 24

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay a sum of Rs.1,03,870/- towards the balance medical expenditure of the petitioner of Rs.2,88,130/- for the major heart Surgery taken place on 24.10.13 and his stay in the hospital from 19.10.13 to 31.10.13 with 12% interest per annum.

For Petitioner : Mr.Singaravelan
for M/s.M.Srividhya

For Respondents : Mr.M.S.Ramesh
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The petitioner has filed this writ petition seeking issuance of Mandamus directing the respondents to pay a sum of Rs.1,03,870/- towards the balance medical expenditure of the petitioner of Rs.2,88,130/- for the major heart Surgery taken place on 24.10.2013 and his stay in the hospital from 19.10.2013 to 31.10.2013 with 12% interest per annum.

3.The petitioner was appointed to the post of Instructor and he joined the service on 02.06.1972 and thereafter on acquiring qualifications was promoted to the post of Tamil Pandit on 12.09.1989 and he retired from service on 31.05.2006 having attained the age of superannuation in the year 2005. He was frequently suffering from heart ailment and hence, Angioplasty was done in Appollo Hospitals Enterprise Limited at Chennai and he was in-patient between 13.04.2010 and 18.04.2012. The charge for the major heart surgery came to Rs.2,30,360.67/- and he was reimbursed by Star Health and Allied Insurance Company Limited under Tamil Nadu Government Employees New Treatment Insurance Scheme with only a sum of Rs.1,10,000/-. Hence, he made a representation on 03.08.2015 to the first respondent seeking reimbursement of the balance amount.

4.In the representation dated 03.08.2015, the liability of the petitioner was pointed out and it was also brought to the notice of the Authority the order passed by the Hon'ble Division Bench in W.P.No.25287 of 2013 dated 25.02.2015. Even thereafter, no orders came to be passed. Hence, the petitioner is before this Court.

5.The issue in dispute has already been decided by various orders of this Court, particularly, by the order of the Hon'ble Division Bench in W.P.No.25287 of 2013 dated 25.02.2015, which is as follows:

"In view of the judgment of the Division Bench of this Court in Star Health and Allied Insurance Co., Ltd., -Vs- A.Chokkar and Another (2010 - 2- L.W.90) and number of other orders placed on record in the typed set by the learned Counsel for the Insurance Company / Second respondent, learned Govt., Pleader cannot oppose the cases of these petitioners that medical reimbursements would have to be made by the State Govt., and not by the Insurance Company.

2.We direct the State Government to process these cases and remit the amounts payable within a maximum period of one month from today.

3.These petitions accordingly stand disposed of. No costs. Consequently, M.P.No.1 of 2013 is closed.

4.List for compliance on 7.4.2015."

6.Hence, this Court directs the respondent to consider the claim of the petitioner in the light of the orders passed by the Hon'ble Division Bench in W.P.No.25287 of 2013 dated 25.02.2015 for the purpose of remittance of the amount payable to the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chief Educational Officer Villupuram
- 2 The Commissioner of Treasurer and Accounts Chennai - 15
- 3 Star Health and allied Insurance Co Ltd (Tamilnadu Govt Employees New Health Scheme) No.2A Ganga Nagar Road Opp. To BSNL Office Kodambakkam Chennai - 24

+1cc to Mrs. M. Srividhya, Advocate, S.R.No.46401

+1cc to the Government Pleader, S.R.No.46329

KU(CO)
EU(16/09/2015)

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And
M.P.No.1 of 2015