

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

Coram

The Honourable Mr. Justice HULUVADI G. RAMESH  
and  
The Honourable Mr. Justice V. PARTHIBAN

W.A.No.1261 of 2016  
and  
C.M.P.No.16279 of 2016

1. The Principal Secretary to Government,  
Finance Department,  
Secretariat, Chennai-600 009.
  2. The Commissioner of Treasuries & Accounts,  
Panagal Building, Saidapet,  
Chennai-600 015.
  3. The District Collector,  
Kancheepuram District,  
Kancheepuram.
  4. The Joint Director of Health Services,  
District Treasurer,  
Kancheepuram District.
  5. The District Treasury Officer,  
District Treasurer,  
Kancheepuram District.
- ... Appellants/Respondents

Vs.

V. Shanthi

सत्यमेव जयते... Respondent/Petitioner

Writ Appeal is filed under Clause 15 of the Letters Patent, seeking to set aside the order dated 16.3.2016 in W.P.No.26764 of 2014 passed by the learned single Judge of this Court.

W.P.No.26764 of 2014 : Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent in R.C.No.24152/2012 NHIS dated 20.02.2014 and consequential proceedings issued by the 5th Respondent in R.C.No.4006/2014/K2 dated 29.3.2014 and quash the same and consequently direct the 2nd and 5th respondents to release the medical reimbursement fund as per the sanction order issued by the 3rd respondent in R.C.No.12518/2013/R1 dated 25.09.2013 along with interest.

For Appellants : Mr. K.Vennkataramani,  
Additional Advocate General  
assisted by  
Mr.P.S.Sivashanmugasundaram,  
Special Government Pleader

For Respondent : Mr.G.Sankaran

#### JUDGMENT

(Judgment of the Court was delivered by HULUVADI G.RAMESH, J.)

This Writ Appeal has been directed against the order of the learned single Judge, dated 16.3.2016 passed in W.P.No.26764 of 2014, in and by which, the appellants herein, were directed to release the medical reimbursement fund to the respondent herein as per the sanction order issued by the 3rd appellant, dated 25.9.2013 within a period of four weeks.

2. The respondent herein, is working as Secondary Grade Teacher in Panchayat Union Middle School Kancheepuram District and her daughter Nandhini underwent open heart surgery in the year 1999 and she was fitted with stents at three places. Later, in the year 2012, again, she was hospitalized in Madras Mission Medical Hospital and undergone the treatment of Radio Frequency Electroanatomical Mapping system, by which, the stents were inserted inside the heart by EAM system similar to Angiogram. It appears that the respondent made an application claiming for reimbursement of the medical expenses and the District Level Empowered Committee authorized sanction of Rs.90,279/- towards medical reimbursement. Based on the same, the District Collector, 3rd respondent herein, vide proceedings, 25.09.2013 accorded sanction for payment of the said amount. However, the Commissioner of Treasuries and Accounts, rejected the sanction without tendering payment, on the ground that the treatment undergone by the daughter of the respondent was not included in the list of diseases for treatment/surgery, already approved for New Health Insurance Scheme in the block year 2008-2012. Based on the same, the District Treasury Officer, vide proceedings dated 29.3.2014 rejected the claim of the respondent with an observation that the medical reimbursement can be preferred under Tamil Nadu Medical Attendance Rules for eligible reimbursement through respective Administrative Departments in the Government. Aggrieved by the same, the respondent filed a writ petition.

3. The learned Judge, after adverting to the rival submissions, by a detailed order, dated 16.3.2016, allowed the writ petition, holding that there is no justification in the impugned order passed by the 2nd appellant herein, dated 20.2.2014 and the consequential proceedings of the 5th appellant dated 29.3.2014.

4. It is to be noted that the respondent made claim for reimbursement of medical expenses towards her daughter's treatment, who underwent Radio Frequency Procedure of Radio Frequency Ablation of AT and AFL Using 3-D Electroanatomical Mapping system on 20.6.2012, which date falls on the interregnum period from 11.6.2012 to 30.06.2012 and the New Health Insurance Scheme 2012 was implemented only after launching the same on and from 01.07.2012. As per G.O.Ms.No.430, dated 10.09.2007, the treatment undergone by the daughter of the respondent was an approved treatment procedure eligible for medical reimbursement based on the report submitted by the District Level Empowered Committee. Therefore, objection raised by the appellants that the treatment undergone by the daughter of the respondent had not satisfied the norms and provisions of the scheme of reimbursement cannot be sustained. In fact, G.O.Ms.No.221 Finance Department dated 20.6.2012 covers the period from 11.6.2012 to 30.6.2012 and it also delegates the powers to the authorities, viz., Secretaries to Government in respect of employees in Secretariat Departments, the Heads of Departments in respect of employees in Chennai District and the District Collectors in respect of employees other than Chennai District, as sanctioning authorities for approving the reimbursement claims of the government employees surgeries/treatments undergone during the interim period between 11.6.2012 and 30.6.2012. Based on the same, the 3rd appellant has rightly accorded sanction vide proceedings dated 5.9.2013 for payment of Rs.90,279/-. Considering these aspects, the learned Judge has rightly viewed that there was no infirmity in the sanction order made by the 3rd appellant, which, in our considered view, does not call for any interference.

5. Accordingly, the Writ Appeal fails and it is dismissed. Since the respondent made claim for reimbursement towards her daughter's treatment which is a life saving treatment, without which, her survival itself would be in peril and hence, as it is a genuine case, we direct the authorities to do the needful by making the payment towards medical reimbursement that was sanctioned to the respondent, from the government exchequer to the maximum extent possible and the remaining may be placed before the Government for sanction from and out of Chief Minister's Relief Fund. The said exercise shall be done within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected CMP is closed.

Sd/-  
Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

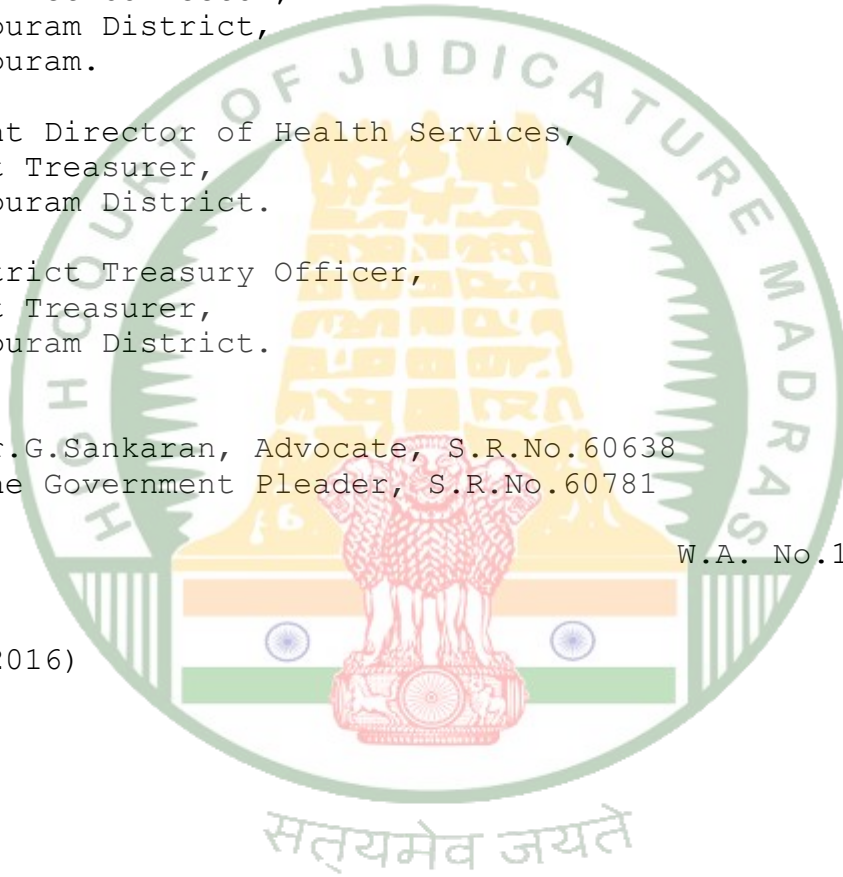
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Kancheepuram District.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.60638

+lcc to the Government Pleader, S.R.No.60781

W.A. No.1261 of 2016

UG(CO)  
CA(29/11/2016)



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