IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8561 of 2016

N.Rudrapathi .. Petitioner

Vs.

1. The Principal Secretary to
   Government of Tamil Nadu,
   Finance (Pension) Department,
   Fort St.George, Chennai-600 009.

2. United India Insurance Company Ltd.,
   Divisional Office-010 600,
   V-Floor, PLA Rathna Tower,
   No.212, Anna Salai,
   Chennai-600 002. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to pay to the petitioner a sum of Rs.49,299/- towards the medical expenses incurred by him for his wife R.Dhanalakshmi for the treatment undergone by her in Anbu Hospital (Multi Speciality) at Kumbakonam, as per the representation of the petitioner, dated 01.09.2015 made to the respondents.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.K.Thangapandi, Govt. Advocate for R-1
Mr.P.Sankara Narayanan for R-2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to pay to the petitioner a sum of Rs.49,299/- towards the medical expenses incurred by him for his wife R.Dhanalakshmi for the treatment undergone by her in Anbu Hospital (Multi Speciality) at Kumbakonam, as per the representation of the petitioner, dated 01.09.2015 made to the respondents.

2. The petitioner retired from Tamil Nadu Government service as Superintendent and he is governed by the New Health Insurance Scheme, 2014 of the Government of Tamil Nadu, which provides for

health care assistance to pensioners (including spouse) / family pensioners on cashless basis, with provision to avail assistance upto Rs.2 lakhs for a block period of four years. Under the said Scheme, the pensioners (including spouse) / family pensioners will not have to make any payment for the approved cost to the Hospitals upto the limit of Rs.2 lakhs. The Hospitals approved by the second respondent under the said Scheme shall extend treatment to the pensioners (including spouse) / family pensioners on cashless basis. As per the said Scheme, no payment of approved cost need be made by the pensioners (including spouse) / family pensioners to the approved Hospitals. By way of subscription, a sum of Rs.150/- per month is recovered from the pension. To avail the benefits under the said Scheme, the pensioners have to take treatment in the approved Hospitals by the United India Insurance Company / third party administrator. The approved Hospitals have to be approached for the accredited treatments/surgeries to be undertaken on cashless basis, so that pre-authorisation is given by the above said United India Insurance Company/third party administrator under the control of the United India Insurance Company Limited, Chennai and the said Scheme is in existence from 01.07.2014.

3. It is further stated by the petitioner that his wife R.Dhanalakshmi was admitted on 30.01.2015 for treatment in the said Anbu Hospital (Multi-speciality) for diabetic (RT) right foot gangrene and the said Anbu Hospital is an accredited Hospital under the said Scheme. She was discharged on 11.02.2015. At the time of admission, the petitioner paid an advance of Rs.10,000/- and from 30.01.2015 to 06.02.2015, the petitioner purchased medicines for Rs.12,243.50. The Hospital collected Rs.26,000/- and the petitioner also purchased medicines for Rs.1,055.50. It is the grievance of the petitioner that the Insurance Company accepted only for Rs.10,500/-. In all, Rs.59,799/- has been spent for medical expenses, out of which, only 17.5% (approximately) of the amount has been given under the said Scheme. The Insurance Company and the first respondent have not taken note of the said Scheme and in particular, Rule 48(a) and Annexure-2 thereunder, in respect of the list of accredited treatments, which allows full payment for the treatment. Hence, the petitioner made a representation, dated 01.09.2015 to the respondents 1 and 2 requesting them to pay Rs.59,799/- under the New Health Insurance Scheme, 2014. Since the said request is not considered, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into consideration the above factual aspects of the matter and the petitioner being a senior citizen and also considering the nature of the relief sought for by the petitioner, this Court directs the second respondent to consider the said representation, dated 01.09.2015 given by the petitioner and after giving an opportunity of personal hearing to the petitioner, pass

appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cs

To

1. The Principal Secretary to
   Government of Tamil Nadu,
   Finance (Pension) Department,
   Fort St.George, Chennai-600 009.

2. United India Insurance Company Ltd.,
   Divisional Office-010 600,
   V-Floor, PLA Rathna Tower,
   No.212, Anna Salai,
   Chennai-600 002.

1 cc to Mr.S. Balasubramanian, Advocate, Sr. 20408
1 cc to Mr.P. Sankara NArayanan, Advocate, Sr. 20407
1 cc to Government Pleader, Sr. 20537

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