



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.23718 of 2016

T.V.Mahalingam

..Petitioner

Vs.

1.The Secretary to Government,
Finance (Pension) Department,
Chennai - 600 009.

2.The Treasury Officer,
District Treasury, Madurai District,
Madurai.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling records of the first respondent i.e., the Secretary to Government, Finance (Pension) Department, Chennai relating to letter No.38421/Fin(Pension)/2016, dated 23.11.2016 and quash the same and consequently direct the first respondent to sanction the eligible amount to the petitioner since claim of the petitioner cannot be rejected on the only ground that the Hospital in which the petitioner's wife undergone treatment is unapproved, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader.

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling records of the first respondent i.e., the Secretary to Government, Finance (Pension) Department, Chennai relating to letter No.38421/Fin(Pension)/2016, dated 23.11.2016 and quash the same and consequently direct the first respondent to sanction the eligible



amount to the petitioner since claim of the petitioner cannot be rejected on the only ground that the Hospital in which the petitioner's wife undergone treatment is unapproved, within a time stipulated by this Court.

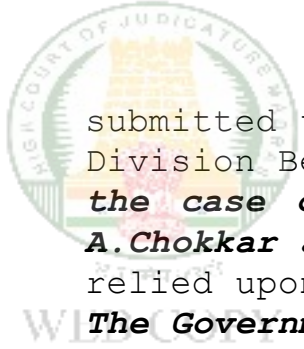
2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner was allowed to retire on 30.09.2004 on attaining the age of superannuation as Special Tahsildar(Civil Supplies), Madurai Central, Madurai. The petitioner was contributing a sum of Rs. 150/- payable out of his pension every month from July 2014 under New Health Insurance Scheme of 2014. The said scheme was introduced vide G.O.Ms.No.171 Finance (Pension) Department, dated 20.06.2014.

4. The petitioner's wife was a sugar patient and she fell down due to High Sugar. She was hospitalised due to emergency in Jeyam Hospital, Madurai, and thereafter she was treated for a fracture in left Ankle and a surgery was also done for her on 18.07.2014. When the petitioner incurred expenditure of Rs.64,265/- and made an application for Medical Reimbursement, the petitioner's claim was rejected on the ground that the hospital in which the petitioner paid already for the treatment is not recognised by the Government. Thereafter, the petitioner preferred an appeal before the State Level Empowered Committee, on 04.03.2016 and the petitioner's appeal was also rejected by the State Level Committee. It is pertinent to note that the District Collector under the head of District Collector recommended the petitioner's claim to the District Level Committee. However, the Treasury Officer returned the petitioner's application on the ground that the hospital in which the petitioner's wife underwent treatment is not recognised by the Government. Thereafter, the petitioner preferred an appeal on 26.06.2014 before the High Level Committee. The High Level Committee also rejected the petitioner's appeal on the very same ground that the said Jeyam Hospital, Madurai is not an approved Hospital so as to cover the assistance under New Health Insurance Scheme, 2014.

5. The rejection of the appeal by the High Level Committee was also communicated to the petitioner by a letter, dated 23.11.2016. As against the said communication, the present Writ petition has been filed.

6. The learned counsel for the petitioner submitted that the rejection of the petitioner's claim for Medical Reimbursement for the hospital in which the petitioner's wife underwent treatment is not covered by the Scheme is irrational, unreasonable and violative of settled principles. He also



submitted that the issue is covered by the decision of the Hon'ble Division Bench of this Court reported in **2010(2) Law Weekly 90, in the case of Star Health and Allied Insurance Company Ltd., Vs. A.Chokkar and another.** The learned counsel for the petitioner also relied upon the Judgement of this Court, in the case of **N.Raja V. The Government of Tamil Nadu, reported in 2016 (3) CTC 394.**

7. Ultimately, in the Judgement of the Hon'ble Division Bench, it is found that the Tamil Nadu Medical Attendance Rules deal with the rights of the dependants and the entitlement to medical concessions. Hence, it was observed that the claim application of any claimant if it is rejected on the ground that either procedure not covered or that the treatment was taken at a non-recognized hospital has to be considered under the rules and that the remedy of the employee is to approach the Government under the rules.

8. In the Judgment of this Court reported in **2016 (3) CTC 394**, the learned Judge of this Court has considered the same issue and following the Judgement of this Court earlier in the case of **K.Srinivasan V. State Government of Tamil Nadu and another, in W.P.Nos.13594 and 29192 of 2013** allowed similar Writ petition and directed the first respondent to sanction the Medical Reimbursement on account of the expenses incurred by the petitioner for the treatment of the petitioner with 9% interest from the date of remittance of amount to the hospital by the petitioner till the date of payment. Following the said Judgment, several Writ petitions have been disposed of with similar orders wherein the Medical Reimbursement claims were negatived on the ground that the hospitals where the treatment was undergone is not listed in the schedule. It has been specifically held in those cases that the remedy of the petitioner is to approach the Government under Tamil Nadu Medical Attendance Rules and that the Government is bend to consider the claim.

9. Considering the orders passed by the Hon'ble Division Bench of this Court and the order in several other similar Writ petitions, this Court feel that it will be appropriate to pass the following order:-

"The impugned order passed by the first respondent/Secretary to Government, Finance (Pension) Department, Chennai, regarding the rejection of the petitioner's claim for Medical Reimbursement, in letter No. 38421 / Fin (Pension) /2016, dated 23.11.2016, is quashed and the first respondent is directed to consider the petitioner's claim in accordance with Tamil Nadu Medical Attendance Rules, in the light of the Judgment of this Court in Writ Appeal No.480 of 2009 and batch, by order dated 26.02.2010 and other similar cases, on merits and in accordance



with law, within a period of six weeks from the date of receipt of a copy of this order."

10. Accordingly, the Writ petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government, Finance (Pension) Department,
Chennai - 600 009.

2.The Treasury Officer, District Treasury, Madurai District,
Madurai.

+1 cc to Mr.S.Visvalingam , Advocate in SR.No. 14038

+1 cc to Special Government Pleader, SR.No.14407

pmu

AE/RSK/17.05.2017/5C/4p

ORDER MADE IN
W.P. (MD) .No.23718 of 2016
13.03.2017