



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P(MD)No.20041 of 2018

WEB COPY

K.Gandhi Alwar

.. Petitioner

Vs.

1.The Principal Secretary/Commissioner of
Treasuries and Accounts,
Integrated Office Complex for Finance Dept.,
Nanthanam, Anna Salai, Chennai - 600 035.

2.The District Collector,
Tuticorin District, Tuticorin.

3.The District Treasury Officer,
Tuticorin District, Tuticorin.

4.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office - VI, 5th Floor,
PLA Rathna Towers, 212, Anna Salai,
Chennai - 600 006.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the fourth respondent/Divisional Manager, United India Insurance Company Ltd., by considering his representation dated 05.09.2018 to reimburse his medical bill amount Rs.1,54,628/- (One Lakh Fifty Fourth Thousand Six Hundred and Twenty Eight only) with an appropriate interest within a stipulated time fixed by this Court and pass such further or other orders.

For Petitioner : Mr.C.Masilamani

For Respondents 1 to 3: Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

For Respondent No.4 : No appearance

ORDER

This writ petition has been filed praying to issue a writ of mandamus to direct the fourth respondent/Divisional Manager, United India Insurance Company Limited to reimburse the medical bill amount Rs.1,54,628/- with an appropriate interest by considering the petitioner's representation dated 05.09.2018.



2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader representing the respondents 1 to 3. There was no representation for the fourth respondent.

3. The writ petitioner herein who is covered under the New Health Insurance Scheme, has sought for reimbursement of the medical expenses incurred by him. Since the Insurance Company has declined to reimburse Rs.1,54,628/-, he has lodged the complaint to the District collector, who is the competent authority to constitute Empower Committee and look into the grievance of the insurer. After considering the appeal and the relevant papers, the Empower Committee has recommended for reimbursement of Rs.1,54,628/-. Despite the recommendation by the Empower Committee, the United Insurance Company Limited, who is headed by the fourth respondent, has declined to reimburse the said sum on the ground that the original cash receipt has not been submitted by the writ petitioner.

4. The learned counsel appearing for the writ petitioner would submit that the original cash receipts were already submitted to the Insurance Company and that was considered by the Empower Committee and accepted the same. Despite the said fact, the fourth respondent time and again has insisted for production of original cash bills. These bills were issued by Apollo Hospitals, Madurai. The Bill number is also given under reference. If at all the fourth respondent has any doubt about the genuineness of the bill, they could have very well verified it with the Apollo Hospitals, Madurai. Instead of cross-verifying the genuineness of the bills, time and again the fourth respondent has refused to reimburse Rs.1,54,628/- on the ground which is very unreasonable and unfair.

5. The perusal of the record discloses that when the petitioner herein who is covered under the New Health Insurance Scheme is entitled for reimbursement of Rs.2 lakhs, since he retired from service and being a pensioner. He has undergone treatment at Apollo Hospitals, Madurai and incurred expenses to the tune of Rs.1,54,628.50. Two consolidated bills have been issued by the Apollo Hospitals, Madurai for the said expenses. The photocopies of the bills are also enclosed in the typed set and the original of it according to the writ petitioner has already been submitted to the fourth respondent through the second respondent.

6. The communication from the fourth respondent in contrary indicates that the petitioner has submitted the photocopies and not the original. In the said context, if the fourth respondent has any doubt about the genuineness of the photocopies of the bills produced by the petitioner herein, they are at liberty to verify and get certificate from the Apollo Hospitals, Madurai referring the receipt numbers issued by the Apollo Hospitals, Madurai. If the Apollo Hospitals, Madurai disowns the receipt and the bill, they are not liable to pay any reimbursement to the petitioner herein. Otherwise, after getting confirmation from the Apollo Hospitals,



Madurai regarding the genuineness of the said bill, the fourth respondent is liable to pay the sum claimed as per the bills. Purely garbing of technicality, the welfare measure extended under the New Health Insurance Scheme cannot be befitted.

7. Therefore, the writ petition is allowed. The fourth respondent is hereby directed to disburse the reimbursement sum within a period of eight weeks from the date of receipt of a copy of this order, after getting due confirmation from the Apollo Hospitals, Madurai regarding the genuineness of the bills. The fourth respondent shall decline payment of the insurance money only if the Apollo Hospitals, Madurai disowns genuineness of the bills and disputes the genuineness of the bills. If the above order is not complied with within a period of eight weeks from the date of receipt of a copy of this order, the fourth respondent will be liable to pay interest at the rate of 9% from the expiry of eight weeks till the date of payment. No order as to costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Principal Secretary/Commissioner of
Treasuries and Accounts,
Integrated Office Complex for Finance Dept.,
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2. The District Collector,
Tuticorin District, Tuticorin.

3. The District Treasury Officer,
Tuticorin District, Tuticorin.

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Chennai - 600 006.

+1CC to Mr.C.Masilamani, Advocate, SR.No.96590

+1CC to the Special Government Pleader SR.No.96395

ORDER MADE IN
W.P (MD) No.20041 of 2018
20.11.2018