

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.13128 of 2019

and

WMP No.13277 of 2019

V.Kandasamy

... Petitioner

Vs.

1. State of Tamil Nadu
rep. by its Secretary Finance
(Pension) Department
Fort.St. George
Chennai-600 009.

2. United India Insurance Company Ltd.,
No.24, Whites Road,
Royapettah, Chennai-600 014.

3. Med India Health Care Service
(TPA) Pvt. Ltd.,
No.27/7, Lakshmi Towers, 3rd Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

4.The District Treasury Officer
Namakkal.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order sent by the 3rd Respondent dated 03.02.2015 on behalf of the United India Insurance Company and the rejection orders sent by the 4th Respondent in ந.க.எண்.34503/ஆ.2.2017, நாள் /08/2017, in ந.க.எண். 2253/ஆ.5.2018, நாள் ,05.2018 in ந.க.எண்.5457/2018.ஆ.5 நாள் 20.12.2018 and quash the same and thereby consequently direct the respondents to sanction the medical reimbursement along with interest within a date fixed by this Court.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mrs.A.R.Janaki,
Additional Government Pleader for R1
& R3 Mr.T.Shanmugam for R2

O R D E R

Writ Petition is filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the rejection order sent by the 3rd Respondent dated 03.02.2015 on behalf of the United India Insurance Company and the rejection orders sent by the 4th Respondent in ந.க.எண்.34503.ஆ.2.2017, நாள் /08/2017, in ந.க.எண்.2253.ஆ.5.2018, நாள் /05/2018 in ந.க.எண்.5457/2018.ஆ.5 நாள் 20/12/2018 and quash the same and thereby consequently direct the respondents to sanction the medical reimbursement.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 3. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is aged about 67 years senior citizen and he worked in the Education Department and retired from service with Nalla Aasriar Award. The petitioner is getting pension from the Government and he joined the Health Insurance Scheme. The petitioner suffered a health ailment and he was admitted in N.H Mazumdar Shaw Medical Centre, 258/A, Bommbasandra Industry area, Hosur Road, Bangalore-99 on 30.12.2014 and after treatment, he was discharged on 03.01.2015. The Doctor diagnosis that the spinal bone C5, C6 has been prolapsed with Intervertebral Disc with left Nerve Root Compression and the Doctor made a surgery on the petitioner anterior Cervical Disectomy Instrumented Infusion using iliac Crest Craft (Zephyr). The petitioner has incurred a sum of Rs.1,35,333/- towards medical treatment and thereafter, he made a representation to the Insurance Company. The said application was rejected on the ground that the petitioner was not treated in the net work hospital of Insurance Company. Thereafter, the petitioner made so many representations and based on the rejection of medical claim, the department sent internal communications on 22.01.2015, 31.08.2015, 06.01.2016, 07.01.2016, 24.06.2016, 22.08.2016 and 20.12.2018. Till date, the said representations were not considered by the 2nd respondent. As against the inaction of the 2nd respondent, the present petition has been filed.

4. The learned counsel for the petitioner would submit that though the petitioner is entitled to avail the benefit of New Health Insurance Scheme, till date the amount spent for his treatment has not been reimbursed. In this regard, the learned counsel for the petitioner relied on the judgment reported in (2019) 2 MLJ in the case of State Level Empowered Committee Vs.S.Paramasivam.

5.The learned Additional Government Pleader appearing for R1 and R3 would submit that if the petitioner had submitted a representation dated 22.01.2015 to the first respondent for reimbursement of medical expenses along with the medical reports, the same will be considered and pass appropriate orders.

6.Considering the facts and circumstances of the case and in view of the limited prayer sought for by the petitioner, I am inclined to issue direction to the first respondent to take necessary steps to consider the petitioner's representation dated 22.01.2015, and dispose of the same on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

7.With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CJ Conf.)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary Finance(Pension) Department
Fort.St. George, Chennai-600 009.
2. United India Insurance Company Ltd.,
No.24, Whites Road,
Royapettah, Chennai-600 014.
- 3.The District Treasury Officer
Namakkal.

+1cc to Mr.T.Shanmugam, Advocate, SR.No.83272
+1cc to Mr.A.R.Nixon, Advocate, SR.No.83078
+1cc to the Govt.Pleader, Vide Sr.No.82805

W.P.No.13128 of 2019
and
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Kak(08/11/2019)