

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 15296 of 2019

J.Kamalakumari

..Petitioner

Vs.

1.The Government Tamil Nadu
Represented by its Principal Secretary,
Finance Department,
Fort St.George,
Chennai - 600009.

2.The Principal Secretary/
Commissioner of Treasuries and Accounts,
3rd Floor, Integrated Office Complex
for Finance Department,
Veterinary Hospital Campus, Anna Salai,
Nandanam, Chennai - 600035.

3.United India Insurance Co. Ltd.,
Rep. by its Chairman cum Managing Director,
Head Office, 24, Whites Road,
Chennai - 600014.

4.MDIndia Health Insurance TPA Private Limited,
Rep. by its Director, Guna complex,
New Door Nos.443 & 445,
Old Door Nos.304 & 305,
Anna Salai, Teynampet,
Chennai - 600018.

5.Apollo Hospitals enterprise Ltd.,
Rep. by its Medical Director
No.21, Greams Road,
Opp. to Greams Lane,
Chennai - 600006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's letter dated 13.05.2019 for reimbursing the sum of Rs.2,21,753/- as per the New Health Insurance Scheme 2018 for pensioners (including spouse)/family pensioners.

For Petitioner : Mr.S.D.S.Philip
for Mr.D.Moses Jeyakaran
For Respondents 1 & 2 : Mr.A.N.Thambidurai
Special Government Pleader
For Respondent 3 : Mr.T.Shanmugam
For Respondent 5 : Mr.S.Dhayaleswaran

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to consider the petitioner's letter dated 13.05.2019 for reimbursing the sum of Rs.2,21,753/- as per the New Health Insurance Scheme 2018 for pensioners (including spouse)/family pensioners.

2. The case of the petitioner is that she served as a B.T. Assistant in Government Model Higher Secondary School, Triplicane, Chennai, for more than seventeen years and retired from the service on 31.12.2017 on superannuation. However, the petitioner continued her employment till the end of academic year i.e. 31.05.2018 and she was being paid monthly pension by the 2nd respondent. While being so, the 1st respondent by its G.O.Ms.No.222, Finance (Pension) Department dated 30.06.2018 introduced the New Health Insurance Scheme 2018 for Pensioners (including spouse). The petitioner duly registered under the said scheme and ID Card also issued to her. Accordingly, the petitioner is entitled to receive the Health Insurance Scheme benefits including the spouse. While being so, the petitioner's husband Mr.J.Jason Joseph was diagnosed with Aortic Valve damage in his heart and was advised Transcend Aortic Valve Replacement to be done at Apollo Hospitals, for which she spent more than Rs.4,00,000/-. However, the respondent Insurance Company had paid only Rs.2,50,372/- and directed the petitioner to pay the balance amount i.e., Rs.2,21,753. Thereafter, the petitioner made representation to the respondents to reimburse the amount paid by her. However, till date the representation was not considered. Hence, the present Writ Petition came to be filed.

3. Mr.S.D.S.Philip, learned counsel appearing for the petitioner would submit that the petitioner incurred more than Rs.4,00,000/- for the medical expenditure. However, the respondent Insurance Company has paid only Rs.2,50,372/- and the balance amount was not paid by them. He would further submit that the petitioner is eligible for a total sum of Rs.7,50,000/- as the maximum coverage and the cost of medical expense is less than Rs.7,50,000/- Therefore, for claiming the balance amount the petitioner made a representation on 13.05.2019. Till date the amount spent for the 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.

4. 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 1st respondent to take necessary steps to consider the petitioner's representation dated 13.05.2019, and dispose of the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary,
Finance Department,
Fort St.George, Chennai - 600009.

2.The Principal Secretary/
Commissioner of Treasuries and Accounts,
3rd Floor, Integrated Office Complex
for Finance Department,
Veterinary Hospital Campus, Anna Salai,
Nandanam, Chennai - 600035.

+1 cc to M/s.D.Moses Jayakaran, Advocate Sr.No. 90165
+1 cc to M/s.T.Shanmugam, Advocate Sr.No. 90160
+1 cc to The Government Pleader Sr.No. 91089

AKM/02.01.2020/3P-6C /

W.P.No. 15296 of 2019

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