

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18522 of 2019

G.Durairaj

... Petitioner

Vs.

- 1.The State Level Empowered Committee,
Represented by its Commissioner,
Medical and Rural Health Services,
DMS Compound, Chennai - 600 006.
- 2.The Director of Treasuries and Accounts,
Panagal Building, Saidapet, Chennai - 15,
(Now the State of Tamil Nadu Government),
Represented by the Principal Secretary/Commissioner of
Treasuries and Accounts,
Integrated Complex for Finance Department,
Veterinary Hospital Campus, Nandanam,
Chennai - 35.
- 3.United India Insurance Company Ltd.,
Rep. by its Divisional Manager,
MD India Health Insurance TTA Private Limited,
Guna Complex, No.443, 445, Anna Salai,
Teynampet, Chennai - 600 018.
- 4.The Director of Medical and Health Services,
DMS Campus, 359, Anna Salai,
Chennai - 600 006.
- 5.The Joint Director,
Medical and Health Services,
DMS Campus, 359, Anna Salai, Chennai - 600 006.
- 6.The Director of Pension,
259, Anna Salai,
DMS Compound, Chennai - 600 006.
- 7.The Treasury Officer,
District Treasury, Chennai - 600 001.

8.The District Level Empowered Committee
at District Level headed by the District Collector,
Chennai - 600 001. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to direct the respondents to consider the written representation for medical reimbursement under the Tamil Nadu Medical Attendance Rules and Sanction and disburse the eligible amount of Rs.97,972/- and further Rs.4,700/- after discharge for additional medicines till 11.03.2019 towards the same along with interest.

For Petitioner : M/s.D.Uvarani

For Respondents : Mrs.A.R.Janaki,
Additional Government Pleader

O R D E R

Mrs.R.Janaki, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is a pensioner, retired from service on superannuation. He was working as Male Nursing Assistant Grade 11, Special Grade in Kilpauk Medical College and Hospital. He is eligible to avail the benefits of New Health Insurance Scheme 2018 and a monthly premium of Rs.350/- has been deducted from his pension from the date of retirement of service to till date. He had nominated his wife as nominee for family pension and her name was also included in the family health card. While so, on ***28.12.2018**, the petitioner's wife suffered from lower abdomen pain and she was treated as outpatient in Meera Hospital and was subjected to ultrasound scan. Ultrasound scan revealed bulky uterus with uterine prolapse with contracted GB disease and advised to undergo major operation viz., vaginal hysterectomy and anterior and posterior colpo perineorapphy. Hence, on an emergency basis she was admitted in the same hospital on the same day and got

operated after paying Rs.97,972/- and was discharged from hospital on 11.01.2019. According to the petitioner, her wife is eligible for reimbursement of medical expenses. When the petitioner made claim for reimbursement of medical expenses under the New Health Insurance Scheme with the 3rd respondent and sought for reimbursement on 29.12.2018, they have informed him to give an application to the department. The petitioner gave an application on 29.12.2018, which was refused stating that the petitioner's wife was not entitled for medical reimbursement as she was treated in the hospital, which was not in net work hospitals for State Government employees/pensioners. Thereafter, the petitioner approached the 2nd respondent along with application, wherein they have stated that recommendations have been sent and awaiting reply. Therefore, the petitioner made representations dated 25.03.2019 to respondent 2 to 5 and to 1,6 and 8 on 27.04.2019. Till date, the said representations were not considered by the respondent. As against the inaction of the respondents, the present petition has been filed.

3.The learned counsel for the petitioner would submit that though the petitioner's wife is entitled to avail the benefit of New Health Insurance Scheme and the petitioner has nominated his wife as nominee in the service records for receiving the family pension and other service benefits, till date the amount spent for her 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.The learned Additional Government Pleader would submit that if the petitioner had submitted a representation dated 27.04.2019 to the first respondent for reimbursement of medical expenses along with the medical reports, the same will be considered and pass appropriate orders.

5.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 27.04.2019, and dispose of the same on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

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

03/09/2019

Sd/-

Assistant Registrar(CS)

***Corrected as per the order
of this Court dated 03/09/2019
made in WP.No.18522 of 2019**

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rm
To

To be Substituted to
the order already
despatched on
18/09/2019

1.The Commissioner,
The State Level Empowered Committee,
Medical and Rural Health Services,
DMS Compound, Chennai - 600 006.

2.The Director of Treasuries and Accounts,
Panagal Building, Saidapet, Chennai - 15,
(Now the State of Tamil Nadu Government),
Represented by the Principal Secretary/Commissioner of
Treasuries and Accounts,
Integrated Complex for Finance Department,
Veterinary Hospital Campus, Nandanam,
Chennai - 35.

3.The Divisional Manager,
United India Insurance Company Ltd.,
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Chennai - 600 006.

6.The Director of Pension,
259, Anna Salai,
DMS Compound, Chennai - 600 006.

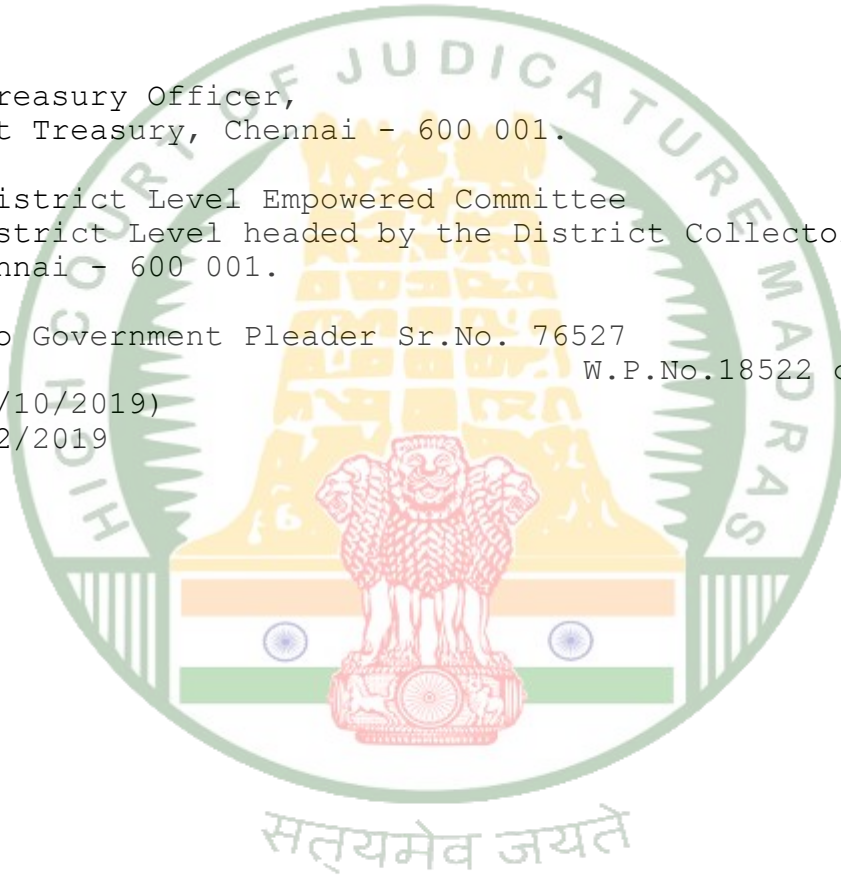
7.The Treasury Officer,
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8.The District Level Empowered Committee
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Chennai - 600 001.

+1 cc to Government Pleader Sr.No. 76527

W.P.No.18522 of 2019

A.SK(01/10/2019)
nr 16/12/2019



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