

W.P.No. 6346 of 2017**D.KRISHNAKUMAR,J.**

Today, this Writ Petition is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. As prayed for by the learned counsel for the petitioner, in my earlier order dated 22.11.2019 made in W.P. No.6346 of 2017, the date mentioned in paragraph 5 “03.08.2018” shall be deleted. The same shall be substituted with “28.05.2019”.

3. All other observations made in the said order shall remain intact.

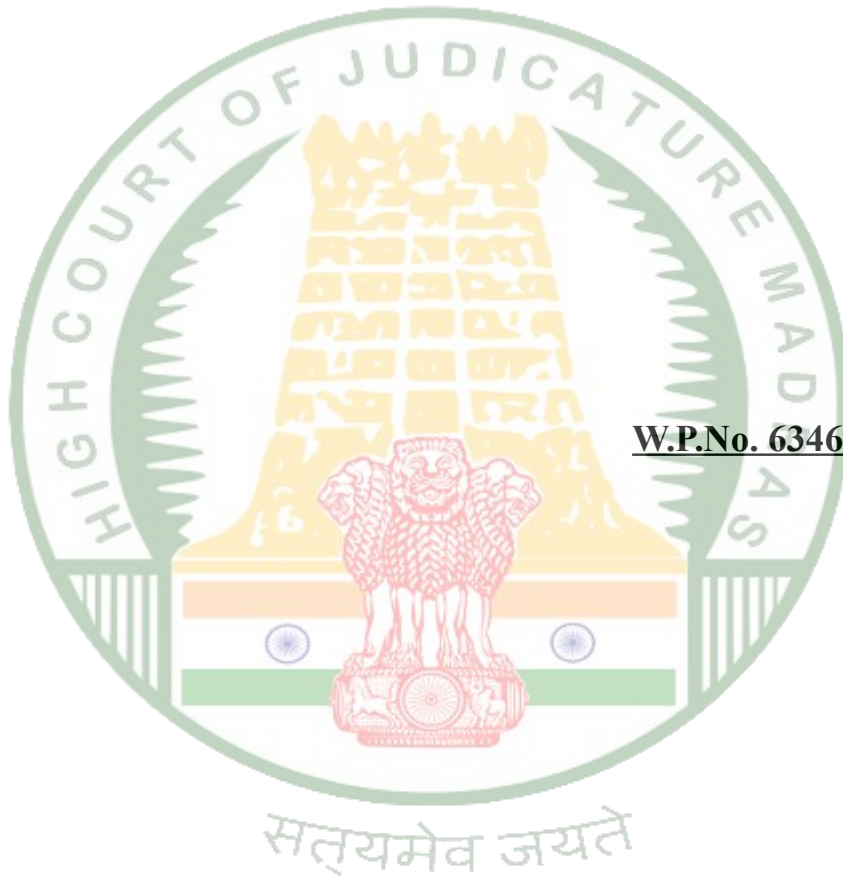
03.03.2020

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Note:

Registry is directed to carry out necessary corrections and issue fresh order copy to the parties concerned

D.KRISHNAKUMAR,J.
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W.P.No. 6346 of 2017

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03.03.2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.6346 of 2017

1 S.Krishnamoorthy
S/o. Santhanam,
No.B5 Ramanujar Complex I.
A.F. road Thambaram East,
Chennai- 600 059. ... PETITIONER

Vs.

1 The Chairman,
District Empowered Committee and
The District Collector,
Kancheepuram.

2 The Member,
District Empowered Committee and
The Joint Director of Medical and
Rural Health Services, Kancheepuram.

3 The Member,
District Empowered Committee and
The Joint Director,
District Treasury Office, Kancheepuram.

4 The General Manager
United India Insurance Company Ltd.,
212, Anna Salai, PLA Rathna Towers,
Chennai-600 006.

5 The Sub Treasury officer
Sub Treasury, Tambaram,
Chennai- 600 045. ... RESPONDENTS

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari Mandamus, calling for the records of the impugned order issued by the second respondent in Na.ka.No.3981/Maku/2015 dated 15.04.2016 and quash the same as illegal and consequently direct the respondent to reimburse the medical expenses of Rs.1,51,500/- incurred by the petitioner towards surgery and treatment given to his wife, dated 16.04.2015 and 02.08.2015 under the New Health Insurance Scheme 2014.

For Petitioner : Mr.R.Baskaradoss
For Respondents 1 to 3 & 5 : Mr.A.Ansar, G.A.
For Respondent No.4 : Mr.P.Sankaranarayanan

ORDER

The writ petitioner was retired as Commercial Tax Officer on 28.2.2015. He enrolled in the New Health Insurance Scheme, 2014 for Pensioners (including spouse)/Family Pensioners issued by the Government of Tamil Nadu in G.O.Ms.No.171, Finance (Pension) Department, dated 26.6.2014. The petitioner and his spouse is covered under the aforesaid Scheme for which, a sum of Rs.150/- per month is being recovered from his

pension and credited to the account of the New Health Insurance Scheme, 2014. The petitioner's wife is a house wife and suffered Gynaecia problem of heavy bleeding and was admitted at firm Hospital, Anna Nagar, Chennai and salpingectomy with rectocele surgery was conducted to his wife on the same day and she was discharged from the hospital on 18.4.2015. The petitioner incurred a sum of Rs.1,51,500/- totally, for the aforesaid surgery and treatment after getting concession. Petitioner is entitled to get reimbursement under the Scheme. Hence, he made representation to the respondent on 9.2.2017 and the same was rejected on 14.2.2017 stating that the petitioner's wife has not taken treatment in the approved list of hospitals and taken treatment in Non-Net working hospital. Therefore, the claim made by the petitioner is negated by the respondents 1 to 3. Challenging the impugned order passed by the second respondent, the petitioner has filed the present writ petition before this Court.

2. According to the learned counsel appearing for the petitioner, this Court in an identical case, considered the scope of rejection of the medical reimbursement in respect of the treatment taken in Non-Networking hospital and the rejection order passed by the Committee was set aside by this Court, directing the authorities to consider and pass

appropriate orders by granting medical reimbursement to the petitioner therein. The learned counsel appearing for the petitioner seeks similar order to be passed in the present writ petition on the same line.

3. On the contrary, the learned counsel appearing for the respondents would submit that the respondent has rightly rejected the claim of the petitioner. Further, he would submit that the authorities rejected the claim of the petitioner for the reason that the petitioner's wife had taken treatment in Non-Networking hospital. The authorities shall consider afresh the claim of the petitioner, by perusing relevant documents and pass appropriate order in the light of the order passed by the Division Bench of this Court in a batch of writ petitions in W.P.(md) No.13429 of 2013.

4. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 and 5, learned counsel appearing for the fourth respondent and perused the materials available on record.

5. On a perusal of the decision of the Division Bench of this Court in

W.A.No.2749 of 2018 and W.P.Nos.13429 of 2013, etc. (Batch), the impugned order passed by the second respondent in Na.ka.No.3981/ Maku/2015 dated 15.04.2016 is quashed. The respondents 1 to 3 are directed to consider the petitioner's representation, dated 9.2.2017 and pass appropriate orders in the light of guidelines issued by this Court in W.P.No.13429 of 2013, etc. (Batch cases) dated 3.8.2018 as expeditiously as possible preferably within a period of 12 weeks from the date of production of copy of this order.

6. The Writ petition is allowed with the above directions. No costs.

22.11.2019

Speaking / Non-Speaking order
Internet:Yes/No
Index:Yes/No
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To

- 1 The Chairman,
District Empowered Committee and The District Collector,
Kancheepuram.
- 2 The Member,
District Empowered Committee and The Joint Director of Medical and
Rural Health Services, Kancheepuram.
- 3 The Member,

District Empowered Committee and The Joint Director,
District Treasury Office, Kancheepuram.

- 4 The General Manager
United India Insurance Company Ltd.,
212, Anna Salai, PLA Rathna Towers, Chennai-600 006.
- 5 The Sub Treasury officer
Sub Treasury, Tambaram, Chennai- 600 045.

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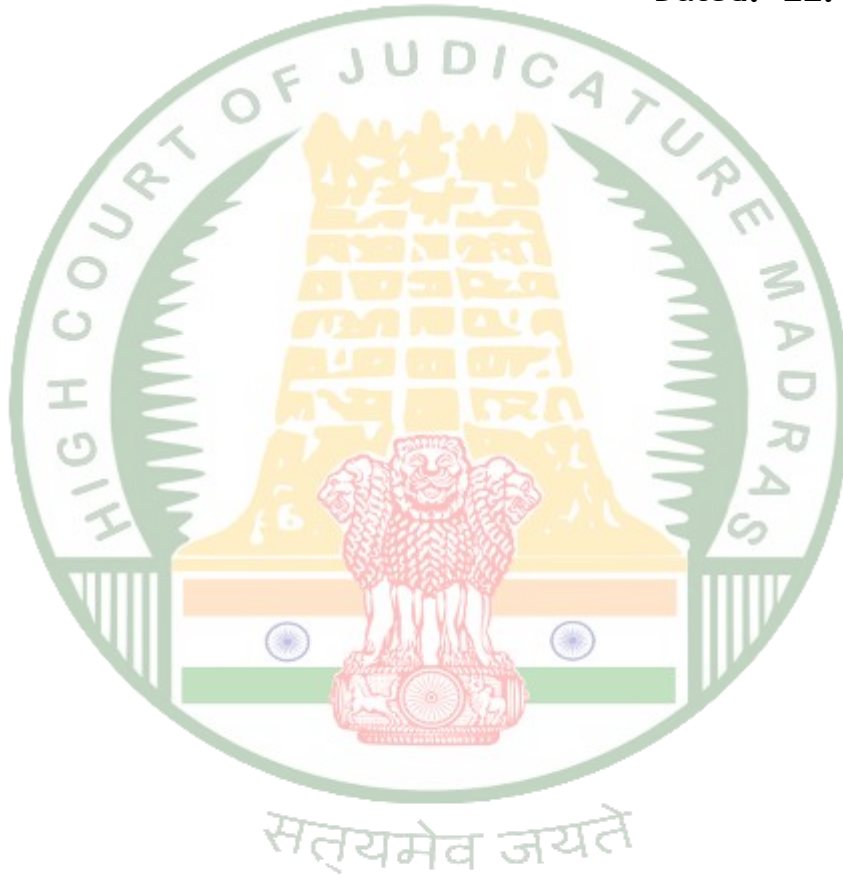
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Dated: 22.11.2019



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