



WEB COPY

W.P.(MD)No.539 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.539 of 2011

and

M.P. (MD)No.2 of 2011

N.Ramasamy

... Petitioner

vs.

1.M/s.Star Health and Allied Insurance
Company Limited,
Project office of Tamilnadu Government
Employees New Health Insurance Scheme,
represented by its General Manager.

2.The Joint Director,
Medical and Rural Health Service Department,
Usilampatti, Madurai.

3.The Director,
Commissionerate of Treasuries and Accounts,
Panagal Building, No.1, Jeenis Road,
Saidapet, Chennai.

4.The District Collector,
Madurai.

5.The District Treasury Officer,
District Collectorate, Madurai.

... Respondents

(R4 and R5 were impleaded as per order of this Court, dated 26.11.2012 in M.P.(MD)No.1 of 2012)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the rejection letter via Re Claim Intimation No.TNHI/09-10/0056781/09, dated 20.08.2009 of the first respondent and the consequential order, dated 12.07.2010 and quash the same and subsequently, to direct the respondents to reimburse the medical expense of the petitioner with interest.

For Petitioner

:Mr.C.Jeyaprakash

For R1

:Mr.S.Anwar Sameem

For R2 to R5

:Mr.D.Muruganandam

Additional Government Pleader



ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, as against the order rejecting the petitioner's claim for medical reimbursement and to direct the respondents to reimburse the medical expense of the petitioner with interest.

2.The petitioner was a Government servant working as Shift Engineer in Tamil Nadu Civil Supplies Corporation Limited, Madurai, at the time of filing of this Writ Petition and also the beneficiary of New Health Insurance Scheme. The petitioner was admitted in the Hospital and taking treatment from 20.08.2009 to 27.08.2009. A medical surgery for lung abscess was also done in the Apollo Hospital, Chennai. The petitioner was provisionally diagnosed for Lung Cancer. Though the petitioner was covered by a Medical Insurance Scheme, the petitioner's request for medical reimbursement was rejected on the ground that the procedure, which was followed in the case of petitioner, was not listed in the contract between the Insurance Company and the Government. Hence, the petitioner has filed the above Writ Petition.

3.The learned Counsel for the petitioner pointed out that a sum of Rs.1,43,000/- was spent by the petitioner for his treatment and that he is entitled to for the said amount as per the scheme with interest.

4.This Court considered the similar issue in a batch of writ petitions in W.P(MD)No.4404 of 2014 and etc., by order, dated 29.11.2017, has directed the Government to disburse the amount under Medical Attendant Rules. Further this Court has held as follows:

"21.It is made clear that the State Government shall not reject the claim of the petitioner for medical reimbursement either on the ground that the hospital in which the claimant had undertaken treatment is not covered under the scheme or on the ground that the treatment / procedure is not included in the list / schedule for which the insurance scheme covers. The application for medical reimbursement also cannot be rejected on the ground that the claimant had taken treatment by paying cash.

22.It is further made clear that the Government or the Authorised Officer who has to decide the applications under the Tamil Nadu Medical Attendance Rules is directed to dispose of the applications within a period of three months from the date on which the applications are forwarded to the Government or the Officer concerned."



5.Following the same, in similar lines, this Writ Petition is allowed accordingly. It is also made clear that the petitioner is entitled to 12% interest, if the amount is not settled within six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Joint Director,
Medical and Rural Health Service Department,
Usilampatti, Madurai.

2.The Director,
Commissionerate of Treasuries and Accounts,
Panagal Building, No.1, Jeenis Road,
Saidapet, Chennai.

3.The District Collector,
Madurai.

4.The District Treasury Officer,
District Collectorate, Madurai.

+1 CC to Mr.I. IRULLAPPAN, Advocate (SR-99849[F] dated 20/11/2019)
+1 CC to M/s.SPL GP (SR-99981[F] dated 20/11/2019)

W.P.(MD)No.539 of 2011
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VB(16.12.2019) 3P 7C