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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.11018 of 2019

C. Soosaiammal

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Thirunelveli District at Thirunelveli.

4.The District Educational Officer,
Sankarankovil, Thirunelveli District.

5.The Block Educational Officer,
Sankarankovil, Thirunelveli District.

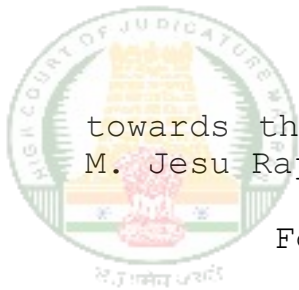
6.The Empowered Committee,
rep. by the District Collector,
Thirunelveli District at Thirunelveli.

7.The Managing Director,
United India Insurance Company Limited,
Mdicindia Health Care Services (TPA) Pvt. Ltd.,
No.27, Lakshmi Towers, 3rd Floor,
Dr. Radhakrishnan Salai, Mylapore,
Chennai - 600 004.

8.The Treasury Officer,
District Treasury Office,
Thirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to disburse a sum of Rs.5,73,291/- (Rupees Five Lakhs Seventy Three Thousand Two Hundred and Ninety One only)



towards the medical reimbursement of the petitioners husband viz., M. Jesu Raj to the petitioner with interest at the rate of 12%.

For Petitioner : Mr. S. Xavier Rajini

For Respondents : Mrs. S. Srimathy
Special Government Pleader
For R1 to R5

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ORDER

This Writ Petition has been filed to direct the respondents 1 to 5 to disburse a sum of Rs.5,73,291/- (Rupees Five Lakhs Seventy Three Thousand Two Hundred and Ninety One only) towards the medical reimbursement of the petitioner's husband viz., M. Jesu Raj to the petitioner with interest at the rate of 12%.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents 1 to 5.

3. The case of the petitioner, in brief, is as follows:

(i) The petitioner's husband, who was working as a Headmaster in the Educational Department, retired from service. The Government issued orders in G.O.171, Finance (Pension) Department dated 26.06.2014 implementing New Health Insurance Scheme of 2014 for pensioners with effect from 01.07.2014. As per the said Government Order, some amount is recovered from the pension of the petitioner's husband.

(ii) The petitioner's husband was admitted in various Hospitals for his ailment of Chest pain and undergone Angiolplasty Surgery at Appollo Hospital, Madurai and thereafter, he had been discharged from hospital on 21.09.2015 and incurred expenditure to the tune of Rs.5,73,291/-.

(iii) The grievance of the petitioner is that the proposal sent by her for medical reimbursement for her husband was declined by the 8th respondent on the ground that the treatment was taken in the non-network hospital. In such circumstances, the petitioner has filed the present Writ Petition.

4. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in ***W.P (MD) No.9761 of 2013 (S.Vijaya Vs. The Additional Director, Tamil Nadu Health Scheme, Directorate of Medical and Rural Health Service Campus, New Building 2nd floor, Teynampet, Chennai and 2 others)*** on ***09.12.2016***, directing the respondents therein to consider the claim of the petitioner afresh. It would be useful to extract the operative portion of the order, which reads as follows:



"9. This Court has considered the rival submissions made by the parties and the earlier decisions of this Court reported in 2010(2)L.W.90 in the matter of Star Health and Allied Insurance Company Limited V. A.Chokkar and others and also yet another judgment of this Court in W.A(MD)No.859 of 2013 in the matter of State of Tamil Nadu V. Mary Thilagavathi and another.

10. As has been discussed above, the reasons cited by the 1st respondent in the impugned order are either non-est or cannot be considered as valid reasons for the rejection of the claim of the petitioner for medical reimbursement, hence, this Court is of the considered view that the impugned order is unsustainable and is liable to be quashed. Accordingly, the impugned order is quashed and the matter is remitted back to the first respondent for reconsideration and while doing reconsideration, the first respondent without giving the same reasons, has to explore the possibility of granting the reimbursement to the petitioner either under the scheme or on the basis of the agreement entered into between the Government and the third respondent, as admittedly, the petitioner has undertaken the treatment of a major surgery, for which, the medical reimbursement cannot be refused or rejected by the respondents."

Hence, the learned counsel prayed for a similar order in this Writ Petition also, for which, the learned Special Government Pleader appearing for the respondents has no serious objection.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also following the aforesaid order, the respondents 1 to 5 are directed to consider the claim of the petitioner and while doing so, they have to explore the possibility of granting the reimbursement to the petitioner under the scheme, as admittedly, the petitioner has undertaken the treatment of a major surgery for her



husband, for which, the medical reimbursement cannot be refused or rejected by the respondents. The needful shall be done by the respondents 1 to 5 within a period of twelve weeks from the date of receipt of a copy of this order.

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6. The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1. Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 000.

3.The Chief Educational Officer,
Thirunelveli District at Thirunelveli.

4.The District Educational Officer,
Sankarankovil, Thirunelveli District.

5.The Block Educational Officer,
Sankarankovil, Thirunelveli District.

6.The District Collector,
Empowered Committee,
Thirunelveli District at Thirunelveli.

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Chennai - 600 004.



8.The Treasury Officer,
District Treasury Office,
Thirunelveli.

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1CC TO MR. S. XAVIER RAJINI, ADVOCATE SR 65265

1CC TO THE SPL GOVT PLEADER SR 64894

KK

06/06/2019

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W.P (MD) No.11018 of 2019
30.04.2019