



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

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WEB COPY

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

W.P(MD) No.3964 of 2019  
and  
WMP(MD)No.3061 of 2019

U.Nagalakshmi

... Petitioner

vs.

1. The State of Tamil Nadu,  
rep. by its Principal Secretary,  
Department of Finance,  
Secretariat, Fort St. George,  
Chennai.
2. The State of Tamil Nadu,  
rep.by its Principal Secretary,  
Department of Health and Family Welfare,  
Secretariat, Fort St. George,  
Chennai.
3. The Joint Director,  
Medical and Rural Health Services,  
Usilampatti,  
Madurai.
4. The Tamil Nadu National Health Insurance Scheme,  
Employee Scheme,  
The Chief Nodal Officer,  
MD Health Insurance TPA Private Ltd.,  
Guna Complex,  
443, 445, Anna Salai,  
Chennai - 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents 1 and 2 to provide medical reimbursement of Rs.2,47,484/- with interest of 12% per annum to the petitioner from 18.05.2018 till the date of payment within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Anand

ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 to provide the medical reimbursement of Rs.247484/- with interest of 12% per annum to the petitioner from 18.05.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate for the respondents 1 to 3.

3. The case of the petitioner is that she is working as a Secondary Grade Assistant at Mangaiyarkarasi school, Madurai. Due to massive kidney failure, she was admitted in Meenakshi Mission hospital, Madurai and spent a sum of Rs.4,97,484/- towards treatment, out of which, only a sum of Rs.2,50,000/- was granted through the insurance claim. Seeking to grant the remaining amount, the petitioner made a representation to the respondents 1 to 3 and the same was not considered so far. Hence, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that in an identical issue, this Court rendered judgment in W.A(MD) No.1382 of 2017 on 09.11.2017, wherein, at paragraph No.41, it is held as follows:

*"41. In view of the foregoing discussions and reasons, this Court, directs the appellant/first respondent viz., the Director of Pension, Chennai - 6, to sanction medical expenses incurred by the respondent/ petitioner/employee's wife, as per eligibility criteria as regards the amount under the scheme together with interest at 6% p.a. and release the eligible sum to the respondent/petitioner (wife of the employee) after subjectively satisfying about her legal heirship within a period of four weeks from the date of receipt of a copy of this order."*

5. In such view of the matter, this Court, without going into the merits of the matter, directs the respondents 1 to 3 to consider the representation of the petitioner dated 12.02.2019, in the light of the judgement rendered by this Court in W.A(MD) No.1382 of 2017 dated 09.11.2017 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD) No.3061 of 2019 is closed.

sd/

Assistant Registrar(T and P)



To

1. The Principal Secretary,  
State of Tamil Nadu,  
Department of Finance,  
Secretariat, Fort St. George,  
Chennai.
2. The Principal Secretary,  
State of Tamil Nadu,  
Department of Health and Family Welfare,  
Secretariat, Fort St. George,  
Chennai.
3. The Joint Director,  
Medical and Rural Health Services,  
Usilampatti, Madurai.
4. The Tamil Nadu National Health Insurance Scheme,  
Employee Scheme,  
The Chief Nodal Officer,  
MD Health Insurance TPA Private Ltd.,  
Guna Complex,  
443, 445, Anna Salai,  
Chennai - 600 018.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate ( SR-53496[F] dated 13/03/2019 )

+1 CC to Special Government Pleader in ( SR-53571[F] dated 13/03/2019 )

mj

**SP/05.04.2019/3P/7C**

W.P(MD) No.3964 of 2019  
11.03.2019