

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.6981 of 2019**

S.Dhanalakshmi

... Petitioner

Vs.

- 1.The Secretary to the Government,
Finance (Salary) Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Commissioner of Treasuries and Accounts,
Chennai-15.
- 3.The United India Insurance Co., Ltd.,
Divisional Office VI,
5th Floor, P.L.A.Rathna Towers,
No.212, Annasalai, Chennai-600 006.
- 4.The District Level Empower Committee,
Head by the District Collector,
Madurai, Madurai District.
- 5.The Commissioner,
Madurai Corporation, Madurai.
- 6.The Chief Educational Officer,
Madurai Corporation,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records of the fourth respondent in proceeding Na.Ka.No. E5/51096/2016, dated 09.02.2019 and quash the same as illegal insofar as petitioner is concerned and consequently to direct the respondents 1 to 2 i.e. the Secretary to Govt. finance (Salary) Department, the commissioner of Treasuries and Accounts, Chennai to reimburse the amount of Rs.1,22,454/- (Rupees one lakh Twenty Two Thousand four Hundred Fifty Four only) to the petitioner within a time frame as fixed by this Court.

For Petitioner :Mr.S.Vinyak



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For Respondents :Mrs.J.Padmavathy Devi,
Special Government Pleader
for R.1 to 3
: Mr.A.Shahjahan
for R.4
: Mr.T.S.Mohammed Mohideen
for R.5 and R.6

ORDER

This Writ Petition has been filed to quash the impugned letter, dated 09.02.2019 passed by the fourth respondent and consequently, to direct the respondents to disburse medical reimbursement amount of Rs.1,22,454/- (Rupees one lakh Twenty Two Thousand four Hundred Fifty Four only) to the petitioner

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice for the respondents 1 to 3, the learned Counsel who takes notice for the respondents 4 to 6. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner is working as B.T. Assistant in the Corporation Middle School and he is covered under the scheme of the Government of Tamil Nadu, New Health Insurance Scheme-2016. She underwent dental surgery and spent a sum of Rs.1,22,454/-.

4.The grievance of the petitioner is that the proposal sent by her for medical reimbursement was rejected by the fourth respondent on the ground that the treatment was taken in the non network hospital. Challenging the same, this writ petition has been filed.

5.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."

6. Following the same, the impugned order passed by the fourth respondent, dated 09.02.2019 is quashed and the matter is remitted back to the fourth respondent for consideration afresh and while doing so, the fourth respondent has to explore the possibility of granting the reimbursement to the petitioner under the scheme, as admittedly, the petitioner has undertaken the treatment of dental surgery for which, the medical reimbursement cannot be refused or rejected by the respondents. The needful shall be done by the fourth respondent within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/
Assistant Registrar(CO)

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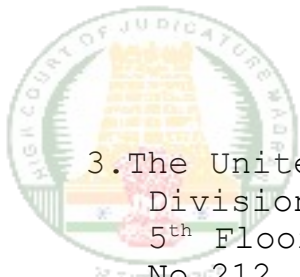
Sub Assistant Registrar

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To

1. The Secretary to the Government,
Finance (Salary) Department,
Fort St. George, Secretariat,
Chennai-600 009.

2. The Commissioner of Treasuries and Accounts,
Chennai-15.



3.The United India Insurance Co., Ltd.,
Divisional Office VI,
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4.The District Collector,
Level Empower Committee,
Madurai, Madurai District.

5.The Commissioner,
Madurai Corporation,
Madurai.

6.The Chief Educational Officer,
Madurai Corporation,
Madurai.

1cc to the SPL GOVT PLEADER, SR. 57092
1CC TO MR. T.S. MOHAMED MOHIDEEN, ADVOCATE, 56393
1CC TO MR. S. VINYAK, ADVOCATE SR 56166
1CC TO MR. A. SHAJAHAN, ADVOCATE SR 56165

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