



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.7513 of 2019andW.M.P.(MD)No.6001 of 2019

V.Ponnumani

... Petitioner

vs.

1.The Secretary to Government,
Secretariat,
Fort St. George,
Chennai.

2.The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai - 600 015.

3.The United India Insurance Co.Ltd.,
Represented by its Divisional Manager,
Divisional Office VI,
5th Floor, P.L.A.Rathana Towers,
No.212, Anna Salai,
Chennai - 6.

4.District Level Committee,
Represented by Collector,
Kanyakumari District.

5.The District Treasury Officer,
District Treasury Office,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of fifth respondent pertaining to its order bearing Na.Ka.No.21977/2015/L2(26) dated 25.01.2019 and to quash the same and consequently direct the respondents to disburse RS.1,29,294/- spent by the petitioner for the treatment underwent by him.



For Petitioner : Mr.S.C.Herold Singh

For Respondents: Mrs.J.Padmavathy Devi
for R1, R2, R4 and R5
: Mr.A.Shajahan
for R3

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ORDER

This Writ Petition has been filed to quash the impugned order bearing Na.Ka.No.21977/2015/L2(26), dated 25.01.2019 passed by the fifth respondent and consequently, to direct the respondents to disburse medical reimbursement amount of Rs.1,29,294/- spent by the petitioner for the treatment underwent by him.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice for the respondents 1, 2, 4 and 5 and the learned Counsel, who takes notice for the third respondent. 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 he is the retired Head Constable in the police department and he is covered under the scheme of the Government of Tamil Nadu, New Health Insurance Scheme. He had taken treatment for the wound sustained on his right hand and spent a sum of 1,29,294/-. The grievance of the petitioner is that the proposal sent by him for medical reimbursement was rejected by the fifth respondent on the ground that the treatment was taken in the non network hospital. Challenging the same, this writ petition has been filed.

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 therein 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.

<https://hcservices.ecourts.gov.in/hcservices> 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 relief in this writ petition as well, for which, the learned Counsel appearing for the respective 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 earlier order of this Court (cited supra), the impugned order passed by the fifth respondent, dated 25.01.2019 is quashed and the matter is remitted back to the fifth respondent for consideration afresh. While doing so, the fifth respondent has to explore the possibility of granting the reimbursement to the petitioner under the Scheme, as admittedly, the petitioner has undertaken the treatment for the wound sustained by him in his right hand, for which, the medical reimbursement cannot be refused or rejected by the respondents. The needful shall be done by the fifth respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

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To

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5.The District Treasury Officer,
District Treasury Office,
Nagercoil,
Kanyakumari District.

1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-57885[F] dated
29/03/2019)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-58076[F] dated 01/04/2019)

+1 CC to M/s.SPL GP (SR-58099[F] dated 01/04/2019)

W.P(MD)No.7513 of 2019

and

W.M.P. (MD)No.6001 of 2019

29.03.2019

DS/ /SAR- (22.04.2019) 4P 9C