



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.8410 of 2019

R.Thangasamy ... Petitioner
vs.

1.The Commissioner of Treasuries and Accounts,
2nd Floor, Panagal Building,
Jeenish Road, Saidapet,
Chennai - 15.

2.The District Collector,
Dindigul, Dindigul District.

3.The District Treasury Officer,
District Treasury,
Dindigul District.

4.The Joint Director,
Rural Health Services,
Usilampatti, Madurai District.

5.The United Indian Insurance Company Limited,
Divisional Office VI,
5th Floor, PLA Rathna Towers,
No.212, Annasalai,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made by the 3rd respondent dated 15.05.2018 and quash the same as illegal and consequently direct the respondents 1 to 4 to disburse the medical reimbursement a sum of Rs.53,177/- towards the medical expenses incurred by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.E.Marees Kumar

For Respondents : Mrs.J.Padmavathy Devi,
Nos.1 to 4 Special Government Pleader

For Respondent : Mr.A.Shajahan

No.5

O R D E R

This writ petition has been filed seeking to quash the impugned order dated 15.05.2018 passed by the 3rd respondent and to direct the respondents to disburse Rs.53,177/- spent by the petitioner for the treatment underwent by him.

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2. Heard the learned Counsel for the petitioner and the learned Counsel appearing for the respective respondents. By Consent, the writ petition is taken up for final disposal at the stage of admission itself.

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

(i) The petitioner is a pensioner and he is also a subscriber to the Tamil Nadu New Health Insurance Scheme and he pays the subscription towards the same every month.

(ii) The petitioner was admitted in Sri Chakra Hospital Udumalpet, and underwent surgery for removal of gallstone and he incurred expenditure to the tune of Rs.53,177- towards the same.

(ii). The grievance of the petitioner is that the claim sent by him for medical reimbursement was rejected by the third respondent by order dated 15.05.2018, stating that the treatment was taken by him in a 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 afresh. It would be useful to refer to 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 sought for a similar order in this writ petition also, for which, the learned Counsel appearing for the respective respondents have no serious objection.

5. Following the above said order, the impugned order passed by the 3rd respondent dated 15.05.2018 is hereby quashed and the matter is remitted back to the 3rd respondent for reconsideration. While doing reconsideration, the 3rd 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 Insurance Company, 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. The needful shall be done by the respondents 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.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Treasuries and Accounts,
2nd Floor, Panagal Building,
Jeenish Road, Saidapet,
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2. The District Collector,
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<https://hcservices.ecm.dindigul.org/hcservices>



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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-59861[F] dated
09/04/2019)

+1 CC to M/s.SPL GP (SR-60112[F] dated 10/04/2019)

DSK

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