



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.9174 of 2019

WEB COPY

G.Veluchamy

... Petitioner

vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Sub Treasury Officer,
Rajapalayam,
Virudhunagar District.

3.The United India Insurance Company,
Divisional Office VI,
PLA Rathina Towers,
5th Floor, 212 Anna Salai,
Chennai.

4.Sakthi Bala Hospital,
NO.340/1, Thoppupatti Street,
PACR Road, Near Jeya Anand Theatre,
Rajapalayam - 626 117,
Virudhunagar 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 pertaining to he impugned order passed by the 1st respondent in Na.Ka.K.1/1891/2018 dated 20.12.2018 and quash the same and consequently direct the 1st respondent to sanction the medical reimbursement amount of Rs.1,00,774/- (Rupees one Lakh Seven Hundred and seventy Four only) to the petitioner.

For Petitioner : Mr.A.Rajaram

For Respondent : Mrs.J.Padmavathy Devi,
Nos.1 & 2 Special Government Pleader

O R D E R

This writ petition has been filed to quash the impugned order dated 20.12.2018 passed by the 1st respondent and to direct the respondents to disburse Rs.1,00,774/- spent by the petitioner for the treatment underwent by his wife.

2.Heard the learned Counsel on either side. 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 every month.

WEB COPY

(ii) The petitioner's wife was admitted in a private Hospital, and she underwent surgery for Backbone fracture and hence, he incurred expenditure to the tune of Rs.1,00,774/- towards the same.

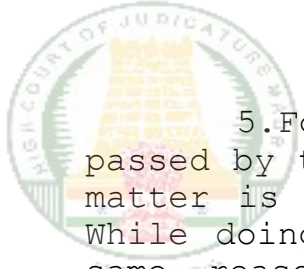
(iii) The grievance of the petitioner is that the proposal sent by him for medical reimbursement was rejected by the 1st respondent by order dated 20.12.2018, stating that the treatment was taken by his wife in a non network hospital. Challenging the same, this writ petition has been filed.

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 therein afresh. It would be useful to refer 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."

Thus, the learned Counsel sought 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 decision, the impugned order passed by the 1st respondent on 20.12.2018 is hereby quashed and the matter is remitted back to the 1st respondent for reconsideration. While doing reconsideration, the 1st 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's wife 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 second 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.

Sd/-

Assistant Registrar (Crl. Side)

/TRUE COPY/

Sub Assistant Registrar (CS)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Sub Treasury Officer,
Rajapalayam,
Virudhunagar District.
3. The United India Insurance Company,
Divisional Office VI,
PLA Rathina Towers,
5th Floor, 212 Anna Salai,
Chennai.

+1 CC to M/s. A. SHAJAHAN, Advocate (SR-62786[F] dated 26/04/2019)

+1 CC to M/s. A. RAJARAM, Advocate (SR-62863[F] dated 26/04/2019)

+1 CC to M/s. SPL GP (SR-63366[F] dated 27/04/2019)

WP (MD) No. 9174 of 2019

25.04.2019

CS: 15/05/2019/3P/7C