

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

DATED:24.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.9900 of 2019 andW.M.P(MD)No.7759 of 2019

V. Jeyaraman

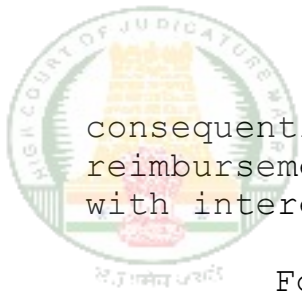
... Petitioner

Vs.

- 1.The Tamil Nadu State
rep. by its Principal Secretary to Government,
Finance (Salaries) Department,
Secretariat, Chennai - 600 009.
- 2.The Director of Medical and Rural Health Services,
DMS Campus, Teynampet,
Chennai - 600 006.
- 3.The Principal Secretary / Commissioner of Treasuries
and Accounts,
Integrated Complex for Finance Department,
3rd Floor, Veterinary Hospital Complex,
Nandanam, Chennai - 600 035.
- 4.The District Collector,
Sivaganga District,
Collectorate Sivagangai.
- 5.The Joint Director of Health Services,
Sivaganga District,
Collectorate, Sivagangai.
- 6.The United India Insurance Company Limited,
Divisional Office VI,
PLA Rathna Towers,
5th Floor, 212, Anna Salai,
Chennai - 600 005.

... 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 in pursuant to the impugned order passed by the 6th respondent in their Letter dated 08.02.2019 and quash the same so far as the petitioner is concerned and



consequently direct the respondents to disburse the Medical reimbursement amount of Rs.3,00,000/- (Rupees Three Lakhs Only) with interest within a time stipulated by this Court.

For Petitioner : Mr. M. Saravanakumar

For RR 1 to 5 : Mr. C.M. Mari Chellaiah Prabhu
Additional Government Pleader

For R6 : Mr. Shajahan

ORDER

This Writ Petition has been filed to quash the impugned letter, dated 08.02.2019 passed by the sixth respondent and consequently, to direct the respondents to disburse medical reimbursement amount of Rs.3,00,000/- to the petitioner's husband.

2. Heard the learned counsel appearing for the petitioner; the learned Special Government Pleader for the respondents 1 to 5 and the learned counsel appearing for the 6th respondent.

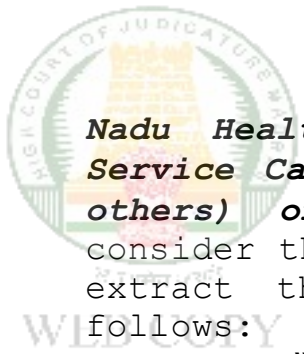
3. The case of the petitioner, in brief, is as follows:

(i) The petitioner, who is working as a Non-Medical Supervisor, Pharmacist-Sidha in Government Primary Health Centre, Piranmalai, Sivaganga District, is a regular member of Tamil Nadu Government New Health Insurance Scheme from the date of announcement to till date and her ID Card Number is MDU/01/MF313/NHIS 16/ 1095194.

(ii) The petitioner was admitted in the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandram on 06.11.2017 for his ailment of hyperdense lesion in the region of basal cistern with e/o subarachnoid hemorrhage in the basal, quadrigeminal and cerebellopontine angel cisterns with diffuse cerebral edema and **Skull Surgery** was done and thereafter, he had been discharged from hospital on 23.11.2017 and incurred expenditure to the tune of Rs.3,00,000/-.

(iii) The grievance of the petitioner is that the proposal sent by her for medical reimbursement for her husband was rejected by the sixth 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 <https://hcservices.ecourts.gov.in/hcservices/> and 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."

Hence, the learned counsel prayed for a similar order in this Writ Petition also, for which, the learned counsel appearing for the respective respondents have 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 aforesaid order, the impugned order passed by the sixth respondent, dated 08.02.2019 is quashed and the matter is remitted back to the fourth respondent for consideration afresh. 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 a major surgery for her husband, 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.

6.The writ petition is disposed of with the above observation.



No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar ()

Sub Assistant Registrar (CS)

To
Principal Secretary to Government,
Finance (Salaries) Department,
Secretariat, Chennai - 600 009.

2.The Director of Medical and Rural Health Services,
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3.The Principal Secretary / Commissioner of Treasuries
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+1 cc to Mr.M.Saravanakumar , Advocate SR.No.62041
+1 cc to Mr.A.Shajahan , Advocate SR.No.62214
+1 cc to The Special Government Pleader Sr.No.62430

trp

W.P (MD) No.9900 of 2019
and W.M.P (MD) No.7759 of 2019
24.04.2019

KM/ (24.07.2019) 4P 10C