



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.13406 of 2018

A.Iraniyakumar

... Petitioner

vs.

1.The Superintendent of Police,
District Police Office,
Madurai District.

2.The Special Commissioner,
Office of the Treasury and Accounts,
Saidapet, Chennai.

... 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 passed by the 1st respondent in his proceedings Na.Ka.No.D2/1879/2017 dated 27.04.2018 and quash the same as illegal and consequently direct the respondents to disburse the medical expenses amount of Rs.90,642/- Incurred by the petitioner in respect of his daughter's medical treatment based on his application dated 30.12.2016 along with accrued interest within stipulated time as fixed by this Court.

For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents: Mr.V.Anand,

Government Advocate

O R D E R

This writ petition has been filed to quash the order passed by the 1st respondent in his proceedings Na.Ka.No.D2/1879/2017 dated 27.04.2018 and consequently, to direct the respondents to disburse the medical expenses incurred by the petitioner towards his daughter's medical treatment, based on his application dated 30.12.2016 along with accrued interest.

2.The case of the petitioner that he is a Head Constable in Uthappanaickanur Police Station at Madurai District. He is a subscriber to the Government of Tamil Nadu New Health Insurance Scheme 2012 and he pays monthly Rs.150/- as subscription. The



petitioner's daughter was admitted in Venkateswara Hospital, Madurai, on 25.09.2016 and she underwent surgery for acute appendicitis and took treatment till 02.10.2016 and thus, the petitioner incurred expenditure to the tune of Rs.90,642/-.

3.The grievance of the petitioner is that the proposal sent by him for reimbursement of the medical expenditure was returned on the ground that the surgery undergone by the petitioner's daughter is not covered under the scheme. 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 the operative portions of the order, which read as follows:

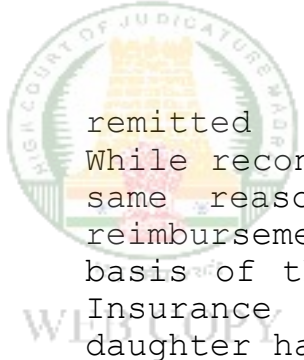
"9.This Court has considered the rival submissions made by the parties and the earlier decisions of this Court reported in 2010(2)L.W.90 in the matter of Star Health and Allied Insurance Company Limited V. A.Chokkar and others and also yet another judgment of this Court in W.A(MD)No.859 of 2013 in the 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 Government Advocate appearing for the respondents has no serious objection.

<https://hcservices.ecourts.gov.in/hcservices/>

5.In view of the above, the impugned order passed by the 1st respondent dated 27.04.2018 is hereby quashed and the matter is



remitted back to the 1st respondent for reconsideration. While reconsidering the matter, 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 concerned, as admittedly, the petitioner's daughter 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 1st 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, on the above terms.
No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
District Police Office,
Madurai District.

2.The Special Commissioner,
Office of the Treasury and Accounts,
Saidapet, Chennai.

+1cc to Mr.A.Prasanna Rajadurai,Advocate, SR.No.54971

W.P(MD) No.13406 of 2018
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SP/22.04.2019/ 3P/4C