



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2019

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.16502 of 2019
and
W.M.P. (MD) No.13153 of 2019

S.Subramanian

...Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildhar,
Vadipatty Taluk,
Madurai.

3.The Treasury Officer,
Madurai District,
Madurai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order O.M.U.55/2015/M1, dated 01.12.2015 from the third respondent and quash the same consequently, direct the third respondent to reimburse Rs.2,17,799/- being the actual medical expenditure incurred for petitioner for the open heart surgery on 06.07.2015 by fixing a time frame.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.M.Pandiarajan
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order dated 01.12.2015 passed in O.M.U.55/2015/M1 by the third respondent and to direct the third respondent to reimburse a sum of Rs.2,17,799/- to the petitioner.

2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.



3. According to the petitioner, he was working as Village Administrative Officer in the second respondent office. On attaining the age of superannuation, he retired from service on 30.06.2008 and he is a subscriber to the Government of Tamil Nadu, New Health Insurance Scheme, 2014, Pensioners/Family Pensioners. Due to ill-health, he had taken treatment at G.Kuppusamy Naidu Memorial Hospital, Coimbatore and for the same, he has spent a sum of Rs.2,17,799/- towards medical expenses.

4. Thereafter, the petitioner made a representation to the third respondent, requesting him to disburse a sum of Rs.2,17,799/- under Medical Reimbursement Scheme. But, the third respondent has rejected his request on 01.12.2015 by stating that the treatment taken in a non-network hospital need not be considered as per G.O.171, dated 26.06.2014, Lr.No.34231 (Pension) Department issued by the Additional Chief Secretary Finance Department. Challenging the same, the petitioner is before this Court.

5. The learned counsel for the petitioner would submit that the said order dated 01.12.2015, rejecting the claim of the petitioner, passed by the third respondent is contrary to G.O.(Ms) No.391, dated 10.12.2018, Finance (Salaries) Department. In the said G.O., the guidelines have been issued to the beneficiary seeking for medical assistance at the time of emergency care and the relevant portion of the same is as follows:

5.....(2) In case of Emergency Care: The beneficiary seeking medical assistance under this scheme shall approach either Network Hospital for the approved treatments and surgeries to be undertaken on CASHLESS basis or Non-Network Hospital for the approved treatments and surgeries to be undertaken on reimbursement basis. The beneficiary has to pay the medical expenses first directly to the hospital and then seek cash reimbursement for the approved treatments and surgeries undertaken subject to Eligible Medical Expenses and Ceiling Criteria. There will be no cashless facility applicable in Non-Network Hospital.

6. Further, the learned counsel for the petitioner relied on the judgment of this Court in the case of **S.Marimuthu Vs. the Government of Tamil Nadu, dated 28.05.2019**, wherein, this Court has held as follows:

80. In order to reconsider all these claim made by the respective writ petitioners for medical reimbursement, by remitting the matters back, the following directions are issued:

(i) All the impugned orders in the respective writ petitions in this batch of cases, are hereby quashed.

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

(ii) The writ petitions where impugned orders are quashed as well as the writ petitions where mandamus



sought for, are hereby remanded with directions to the concerned District Level Empowered Committee, before whom, these matters shall be placed and the Committee shall reconsider every individual case.

(iii) While reconsidering, the Committee shall not reject any claim merely on the reason of non network hospital or non listed disease.

(iv) The Committee, wherever possible, shall give suitable direction to the Insurance Company to reimburse the claim made by the respective claimant / employee / pensioner.

(v) If the Committee finds some cases where the Insurance Company cannot be directed to reimburse, in those cases, suitable orders shall be passed directing / recommending the State authorities to reimburse the claim under Medical Attendance Rules.

(vi) Once such orders are passed, the Insurance Company shall immediately reimburse the medical claim with 6% interest from the date of due till date of payment, within a period of thirty days from the date of receipt of such order to be passed by the Empowered Committee of the District concerned.

(vii) On receipt of such orders / recommendation from the Empowered Committee, the Sanctioning authority / State authority / High Power Committee in the State Level shall pass necessary orders allowing the medical reimbursement claimed by the individual claimant / employee / pensioner under the Medical Attendance Rules.

(viii) While ordering medical reimbursement under Medical Attendance Rules, the rate approved, accepted or quoted by the Insurance Company under the Medical Insurance Scheme shall be taken as the rate and by calculating the reimbursement on the said rate, the reimbursement claim shall be immediately sanctioned and the amount shall be reimbursed to the claimant with 6% interest from the date of due till date of payment, within a period of thirty days from the receipt of the recommendation / order from the District Empowered Committee.

7. The learned Additional Government Pleader appearing for the respondents would submit that in the light of the said G.O., and the judgment, if the petitioner submits his explanation afresh by way of a representation, the same will be considered by the



respondents, within a time to be fixed by this Court.

8. After considering the said G.O., the said judgment and the contention raised by both side, this Court is inclined to pass the following direction:

the petitioner is directed to submit his explanation afresh by way of a representation along with said G.O., said judgment and a copy of this order before the third respondent, within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the third respondent shall place the same before the District Level Committee concerned and after that, the Committee shall consider the petitioner's representation and pass appropriate orders in accordance with rules, within a period of twelve weeks thereafter;

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildhar,
Vadipatty Taluk,
Madurai.

3. The Treasury Officer,
Madurai District,
Madurai.

+1CC TO MR.R.RAMASAMY, Advocate Sr. No.77502

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 77841

W.P. (MD) No.16502 of 2019

24.07.2019

SGS (CO)

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