



WEB COPY

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.20507 of 2018
and
WMP(MD)No.18258 of 2018

B.Kolappa Pillai

... Petitioner

vs.

- 1.The Directorate of Pension,
Integrated Finance Department Office Complex,
571, Anna Salai, Nandanam,
Chennai -35.
- 2.The Director of Medical and Rural Welfare,
Chennai - 6.
- 3.The United India Insurance & Co Ltd.,
Represented by its Divisional Manager,
Divisional Office VI,
5th Floor,
PLA Rathana Towers,
No.212, Anna Salai,
Chennai - 600 006.
- 4.The District Level Empowered Committee,
Represented by the District Collector,
Nagercoil,
Kanyakumari District.
- 5.The Treasurer,
Nagercoil, Kanyakumari 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 on the files of the 2nd respondent pertaining to its order bearing Oo.Mu.No.16704/Kapi 1/3/2017 dated 02.04.2018 and the order of the 5th respondent bearing Na.Ka.No.717/2016/L2 dated 09.08.2017 and to quash the same and consequently direct the respondents to sanction and disburse a sum of Rs.2,74,778/- along with the interest towards the medical treatment underwent by the petitioner within a stipulated time that may be fixed by this Court.



For Respondent
Nos.1,2,4 and 5

: Mr.C.M.Mari Chellaiah Prabhu,
Additional Government Pleader

For Respondent
No.3

: Mr.A.Shajahan

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O R D E R

This writ petition has been filed to quash the impugned orders dated 02.04.2018 and 09.08.2017 passed by the respondents 3 and 5 respectively and to direct the respondents to sanction the eligible amount to the petitioner, since the claim of the petitioner cannot be rejected, on the only ground that the treatment was taken in a non network hospital.

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

(i)The petitioner, who was working as a Assistant in Kattathurai Higher Secondary School, Kanyakumari District, retired from service on 31.07.2006 and he is also a subscriber to the Tamil Nadu New Health Insurance Scheme and he pays the subscription amount every month.

(ii)The petitioner was admitted in PRS Hospital, Tiruvanathapuram on 16.01.2015 for Coronary Artery Disease underwent surgery and discharged from hospital on 18.01.2015 with incurred expenditure to the tune of Rs.2,74,778/-.

3.The grievance of the petitioner is that the proposal sent by him for medical reimbursement was rejected by the 5th respondent by order dated 09.08.2017. Challenging the same, the petitioner preferred an appeal and the 2nd respondent, by order dated 02.04.2018 rejected the claim of the petitioner, stating that the Hospital in which the petitioner took treatment is 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 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."

5. Following the same, the impugned orders passed by the respondent Nos. 2 and 5 dated 02.04.2018 and 09.08.2017 respectively, are hereby quashed and the matter is remitted back to the 2nd respondent for reconsideration and while doing reconsideration, the 2nd 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 3rd 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. 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

Dsk

To

1. The Directorate of Pension,
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571, Anna Salai, Nandanam,
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2.The Director of Medical and Rural Welfare,
Chennai - 6.

3.The Divisional Manager,
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4.The District Level Empowered Committee,
Represented by the District Collector,
Nagercoil,
Kanyakumari District.

5.The Treasurer,
Nagercoil, Kanyakumari District.

+1CC TO MR.A.SHAJAHAN, Advocate Sr. No.55221

+1CC TO MR.S.C.HEROLD SINGH, Advocate Sr. No. 55139

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 55355

W.P(MD) No.20507 of 2018
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TR (06.04.2019) 4P 9C