



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

CORAM:

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

**W.P(MD) No.16941 of 2019**

P.Muthu

.. Petitioner

Vs.

1. The District Collector,  
District Level Empowered Committee,  
Dindigul District,  
Dindigul.
2. The Divisional Manager,  
United India Insurance Company Limited,  
Divisional Office VI,  
5th Floor, Rathna Towers,  
212, Anna Salai,  
Chennai - 600 006.
3. The Treasury Officer,  
District Treasury,  
Dindigul-624 002.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Na.Ka.No.14710/2018/S-1, dated 05.03.2019 and quash the same as illegal and consequently direct the respondents to reimburse the medical expenses incurred by the petitioner for a sum of Rs.69,249/- along with 24% interest from 08.12.2017 to till the date of payment.

|                |                                                      |
|----------------|------------------------------------------------------|
| For Petitioner | : Mr.R.R.Kannan                                      |
| For R1 & R3    | : Mr.M.Pandiarajan,<br>Additional Government Pleader |
| For R2         | : Mr.A.Shajahan<br>Standing Counsel                  |

**ORDER**

This Writ Petition has been filed to quash the order dated 05.03.2019, passed in Na.Ka.No.14710/2018/S-1 by the third respondent and to direct the respondents to reimburse the medical expenses incurred by the petitioner for a sum of Rs.69,249/- along

with 24% interest from 08.12.2017 to till the date of payment.

2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents 1 and 3 and Mr.A.Shajahan learned Standing Counsel takes notice for the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he is a retired Government Employee and he is the subscriber to the Government of Tamil Nadu, New Health Insurance Scheme, 2014, Pensioners/Family Pensioners. On 21.08.2017, when he was coming from Dindigul to Ambadurai in his motor cycle, he met with an accident. Due to the said accident, he had taken treatment at S.S.Hospital, Dindigul and for the same, he had spent a sum of Rs.69,249/- towards medical expenses.

4.Thereafter, he made a representation to the third respondent requesting him to disburse a sum of Rs.69,249/- with interest under Medical Reimbursement Scheme by enclosing the bills and other relevant documents. But, based on the communication dated 27.12.2018, the third respondent has rejected his request by stating that the treatment taken in non-network hospital need not be considered as per G.O.171, dated 26.06.2014. Challenging the same, the petitioner is before this Court.

5.The learned counsel appearing for the petitioner would submit that similar writ petitions have been filed before this Court, challenging the rejection of the claim on the aforesaid reason and this Court had set aside the orders passed by the authority concerned and allowed the writ petitions with a direction to reconsider the claim afresh and the Committee shall not reject any claim merely on the reason of non network hospital or non listed disease.

6.The learned Additional Government Pleader appearing for the respondents would submit that the claim of the petitioner shall be considered by the District Level Committee afresh, in the light of the orders passed by this Court, if the petitioner is otherwise eligible for the claim of medical reimbursement, for the medical treatment underwent in the private hospital.

7.Heard the learned counsel on either side.

8.From the records, it is seen that the claim of the petitioner for medical reimbursement was rejected on the ground that the said hospital was come under the purview of non-network hospital. This issue has been dealt with in the recent decision

<https://hccservices.courts.gov.in/hccservices/> W.P(MD)No.13429 of 2013, etc. batch, **[S.Marimuthu and Others v. The Government of Tamil Nadu rep. by its Secretary,**



**Department of Health and Family Welfare, Chennai and Others]** dated 28.05.2019, wherein this Court has elaborately discussed the issue and passed the following order:

"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.

(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".



9. Following the aforesaid order, the impugned order passed by the third respondent, dated 05.03.2019, is quashed insofar as the reason stated that the said hospital is a non-network hospital and the matter is remitted to the first respondent/District Level Empowered Committee and the Committee shall reconsider the case of the petitioner afresh in the light of the aforesaid order passed by this Court, and if the petitioner is otherwise eligible for the claim of medical reimbursement, the Committee shall pass appropriate orders as early as possible, preferably within a period of three months from the date of receipt of a copy of this order.

10. The Writ Petition is allowed with the above direction. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )

To

1. The District Collector,  
District Level Empowered Committee,  
Dindigul District, Dindigul.

2. The Treasury Officer,  
District Treasury,  
Dindigul-624 002.

+1 CC to Mr.R.R.KANNAN, Advocate ( SR-78890[F] dated 31/07/2019 )

+1 CC to M/s.A.SHAJAHAN, Advocate ( SR-79025[F] dated 01/08/2019 )

+1 CC to SPECIAL GOVERNMENT PLEADER ( SR-79301[F] dated 01/08/2019 )

**W.P (MD) No.16941 of 2019**  
**31.07.2019**

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