



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.19015 of 2015

A.John Peter

: Petitioner

Vs.

1. The Secretary,
Finance (Pension) Department,
Secretariat, Government of Tamil Nadu,
Chennai - 9.

2.The Co-ordinator,
(Under New Health Insurance Scheme,
2014 for Pensioners),
United India Insurance Company Ltd.,
Divisional Office: 010 600,
5th Floor, Rathna Tower,
212, Anna Salai, Chennai - 6.

3.Managing Director,
India Health Care Services (TPA) Pvt. Ltd.,
New Health Insurance Scheme, 2014
for Pensioners,
No.27, Laxmi Road, Third Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the claim of reimbursement of medical expenses of Rs.2,10,268/-. (Prayer is amended as per the order of this Court, dated 25.07.2019 made in WMP(MD)No.13021 of 2015).

For Petitioner : Mr.A.John Vincent

For R-1 : Mr.N.Shanmugaselvam

Additional Government Pleader

For R-2 & R-3 : Mr.A.Shajahan

O R D E R

[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY, J.**]

<https://hcservices.ecourt.gov.in/hcservices/> The petitioner seeks for Mandamus directing the first respondent to consider the claim of medical reimbursement of Rs.2,10,268/-.



2.The case of the petitioner is as follows:-

The petitioner is a retired teacher drawing pension from the Government. On 31.10.2014, when he visited Bangaluru he became sick and got admitted at National Institute of Mental Health and Neuro Science, Bengaluru, wherein he was diagnosed as having a brain tumour. Accordingly, he underwent an operation. In the process of such medical treatment, the petitioner was hospitalised from 17.11.2014 to 13.01.2015. He incurred medical expenses of Rs.2,10,268/- and therefore, he is entitled for reimbursement of such medical expenses. However, such request is rejected by the respondent/Insurance Company only on the ground that the petitioner has taken the treatment in a non-network hospital.

3.The learned counsel for the petitioner reiterated the above contentions.

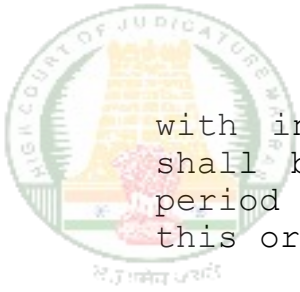
4.On the other hand, the learned counsel for the respondents including the learned counsel appearing for the Insurance Company submitted that since the petitioner has undertaken the treatment in a non-network hospital, the Insurance Company cannot be held liable.

5.Heard both sides.

6.The issue involved in this case with regard to the treatment taken in a non-network hospital and the consequential claim for medical reimbursement is no more *res-integra*, in view of several decisions rendered by this Court, out of which, the recent one is reported in **2019 (2) MLJ 1 (STATE LEVEL EMPOWERED COMMITTEE v. S.PARMASIVAM)**. In that case also, the writ petitioner therein took treatment in a non-network hospital and that claim was rejected by the Insurance Company on that ground. The writ Court, after referring to various decisions of the Division Benches of this Court, held that the writ petitioner therein is entitled to his claim to be settled by the State Government under the Tamil Nadu Medical Attendance Rules. The writ Court thus directed the Tamil Nadu Government to sanction the medical expenses incurred by the petitioner therein as per the eligibility criteria in terms of amount under the claim along with interest at the rate of 9% p.a. The said order of the Writ Court was put to challenge before the Division Bench of this Court, which in turn passed an order, which was reported in **2019 (2) MLJ 1 (cited supra)** confirming the order of the Writ Court. However, the interest awarded by the Writ Court was reduced to 7.5% p.a. instead of 9.% p.a.

7.Since the issue involved in this case is covered by the above decision of the Division Bench of this Court, this writ petition is disposed of as follows:-

"The Government of Tamil Nadu shall consider the claim of the writ petitioner and sanction the medical expenses incurred by him as per the eligibility criteria in terms of the amount under the Tamil Nadu Medical Attendance Rules,



with interest at the rate of 7.5% p.a. The said exercise shall be done by the first respondent Government within a period of eight weeks from the date of receipt of a copy of this order."

No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
Finance (Pension) Department,
Secretariat, Government of Tamil Nadu,
Chennai - 9.
2. The Co-ordinator,
(Under New Health Insurance Scheme,
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No.27, Laxmi Road, Third Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

+1 CC to Mr.A.SHAJAHAN, Advocate (SR-13231[I] dated 08/08/2019)
+1 CC to Mr.A.JOHN VINCENT, Advocate (SR-80614[F] dated
08/08/2019)
+1 CC to SPL GP (SR-81500[F] dated 13/08/2019)

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