



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 19.08.2019

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.A(MD)No.1276 of 2018
and
C.M.P(MD)No.8977 of 2018

The Divisional Manager,
United India Insurance co., Ltd.,
24, Ground Floor, Whies Road,
Chennai - 600 014.

.. Appellant

Vs.

1.G.Hepzi Rathinabai

2.The State of Tamil Nadu
rep. by its Secretary,
Department of Finance (Pension)
Fort St. George,
Chennai - 600 009.

3.The Director of Treasuries and Accounts,
No.1 Jennis Road,
Panagal Building, Saidapet,
Chennai - 600 015.

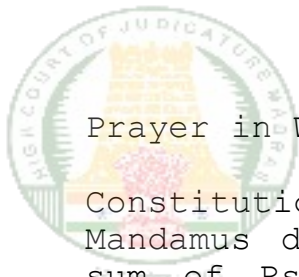
4.The District Collector,
Tuticorin, Tuticorin District.

5.The Joint Director of Medical and Rural Health Services,
166, North Kadarkarai,
Tuticorin - 628 001.

6.The District Treasury Officer,
329, Sivandha Kulam Road,
Near Kamaraj College,
Tuticorin 628 003.

.. Respondents/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 15.03.2018 in Writ Petition (MD)No.4137 of 2018.



Prayer in WP(MD). 4137/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to disburse forthwith a sum of Rs.1,89,669/- (Rupees one Lakh Eighty nine Thousand six hundred and Sixty nine only) to the petitioner along with appropriate interest towards the medical expenses incurred towards treatment of petitioners husband Mr.K.Dharmaraj Joseph from 02.10.2017 to 25.10.2017 in peace Health Centre, Tirunelveli.

For Appellant : Mr.A.Shajahan

For Respondents : Mr.A.Ajith Geethan (for R1)
Mr.N.Shanmugaselvam (for R2 to R6)

JUDGMENT

(Judgment of the Court was delivered **by K.RAVICHANDRABAABU, J.**)

The present appeal is filed challenging the order made in W.P (MD)No.4137 of 2018, dated 15.03.2018.

2.The 6th respondent in the writ petition is the appellant. The writ petition was filed for Mandamus to direct the respondents herein to disburse forthwith a sum of Rs.1,89,669/- to the petitioner along with appropriate interest towards the medical expenses incurred towards treatment of the petitioner's husband K.Dharmaraj Joseph from 02.10.2017 to 25.10.2017 in Peach Health Centre, Tirunelveli.

3.The Writ Court allowed the writ petition. The present writ appeal is filed by complaining that the treatment undertaken by the husband of the writ petitioner did not fall within the accident treatments covered under the scheme.

4.On the other hand, the learned counsel appearing for the writ petitioner/first respondent contended that the writ petitioner's husband was given treatment in a network hospital that too, by paying cash considering the urgency of the situation. Therefore, he submitted that the Writ Court has rightly allowed the writ petition by observing that the petitioner's claim cannot be denied on the ground that her husband has taken treatment by paying cash.

5.The learned counsel for the appellant contended that if the treatment is taken in a non-network hospital and in respect of diseases not covered under the scheme, it is only the Government of Tamil Nadu to reimburse the claim to the employee/pensioner.

6.Heard both sides.



7.The issue involved in this case is with regard to the treatment taken by the petitioner's husband, which, according to the appellant Insurance Company, is not covered within the accident treatments referred to under the scheme. In respect of the treatment taken in a non-network hospital or in respect of the treatment not covered under the list of treatments, the claim for medical reimbursement towards the same cannot be denied in toto and on the other hand, in various decisions, this Court has held that the Tamil Nadu Government is to sanction medical expenses incurred by the concerned person therein as per the eligibility criteria in terms of the amount under the claim. One such order was made by the Division Bench of this Court reported in **2019(2) MLJ 1 (State Level Empowered Committee vs. S.Paramasivam)**. Therefore, by following the above decision of the Division Bench, this Writ Petition is disposed of as follows:-

"(a) The Government of Tamil Nadu shall consider the claim of the writ petitioner and sanction the medical expenses incurred by her 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.

(b)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

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Secretary,
Department of Finance (Pension)
Fort St. George,
Chennai - 600 009.
- 2.The Director of Treasuries and Accounts,
No.1 Jennis Road,
Panagal Building, Saidapet,
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<https://hcservices.ecourts.gov.in/hcservices/>



5.The District Treasury Officer,
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Near Kamaraj College,
Tuticorin 628 003.

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+1 CC to M/s.A.SHAJAHAN, Advocate (SR-82227[F] dated 19/08/2019)

+1 CC to M/s.A. AJITH GEETHAN, Advocate (SR-82376[F] dated
20/08/2019)

Judgment made in
W.A(MD)No.1276 of 2018
and
C.M.P(MD)No.8977 of 2018
19.08.2019

skn

JM/13.09.2019/4P/8C