



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

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W.P(MD)No.24098 of 2019

S.Maruthamalai

.. Petitioner

Vs.

1.The Project Director,
Tamil Nadu Health Systems Project (TNHSP),
3rd floor, DMS Annex New Building,
259, Anna Salai,
Teynampet,
Chennai - 600 006,
Tamil Nadu.

2.The CMCHIS Project Office,
Chief Minister's Comprehensive Health
Insurance Scheme,
No.226, Om Sakthi Towers,
Kilpauk Garden Road,
Kilpauk,
Chennai - 600 010,
Tamil Nadu.

3.M/s.United India Insurance Company Ltd.,
24, Whites Road,
Chennai - 600 014,
Tamil Nadu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to sanction and reimburse the amount a sum of Rs.70,127/- (Rupees Seventy Thousand One Hundred Twenty Seven) for the Member ID No.URN.0133241542636140017183 under Chief Minister Comprehensive Health Insurance Scheme pursuant to the petitioner's representation dated 5.11.2019.

For Petitioner : Mr.V.Ilanchezian

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader



ORDER

The petitioner is a Member of the Chief Minister Comprehensive Health Insurance Scheme with effect from 09.03.2019 under Member ID No.URN.0133241542636140017183. On 28.10.2019, the petitioner's wife suffered a fracture and dislocation of the left elbow. Immediately she was admitted in Jayam hospital, Madurai. The said hospital is covered under the Chief Minister Comprehensive Health Insurance Scheme. During treatment, he paid a sum of Rs.45,127/- as medical expenses as directed by the hospital authorities. Thereafter, he spent Rs.10,000/- and Rs.15,000/- towards miscellaneous and post operative care and thus, he spent a total sum of Rs.70,127/- towards medical expenses. After taking treatment, he made a representation on 05.11.2019 to the respondents for the purpose of reimbursement under the said Scheme provided by the Government. However, it was not disbursed. Hence, the petitioner is before this Court.

2.On notice, the first respondent/Project Director, vide letter dated 23.11.2019, would state that pre authorisation was not obtained and hence, cashless treatment is not availed. In this regard, similar writ petitions filed by the beneficiaries have been referred to, which read as under:

W.P.No.	Court	Details	Disposal	Status/Reason
40914/2016	Madras	Meenakshi Mission Vs. PD	Referred to District Committee	Pending to District Committee
20258/2017	Madurai Bench	Thoffique Vs. PD	Referred to District Committee	District Committee Disposed
33137/2018	Madurai Bench	Meenakshi Mission Vs. PD	Pending	Reimbursement sought
14093/2019	Madurai Bench	Subbiah Thevar Vs. Meenakshi Mission	Pending	Reimbursement sought

3.The learned counsel appearing for the petitioner also produced one such decision of this Court in W.P(MD)No.20258 of 2017 [S.Mohamed Thouffique Vs. Project Director and others] as referred to by the first respondent, wherein, this Court has found that the first respondent therein has sanctioned the amount after recommendation of the District Collector. That money was not paid by the subordinates. Therefore, a direction was given to disburse the amount within a period of six months.



4.The statement made by the officer of the first respondent/Project Officer clearly shows that the Grievance Redressal mechanism includes direct representation to the Project Director, Tamil Nadu Health Systems Project, in addition to the regular grievances redressal mechanism available in the Government.

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5.It is not mandatory that complaints should be submitted only to the District Collector or any other Health Department officials related to the Scheme or to the call center established at Tamil Nadu Health Systems Project or Insurance Companies etc., Therefore, complaints/grievances can also be directly submitted to the Project Director. It is not necessary that the District Collector should recommend and then only the Project Director should apply his mind. The Project Director, being an authority, can apply his mind independently and pass orders.

6.Further, it is not the case of the petitioner that he is not a member under the said Insurance Scheme nor his wife was taken treatment in an unauthorised hospital. Once a member is covered under the scheme and has taken medical treatment in a covered hospital coming under the Scheme, it is the duty of the first respondent to sanction the amount.

7.Therefore, a positive direction is given to the first respondent to consider the coverage of the petitioner as well as the coverage of the hospital for giving treatment and if it is found that it is covered, the respondents shall sanction and disburse the amount within a period of six weeks from today.

8.The writ petition is disposed of with the above direction. No costs.

Sd/-

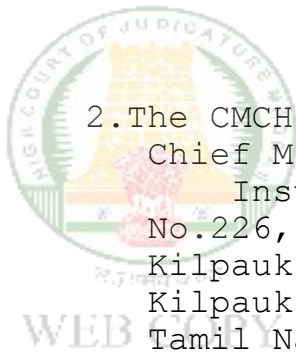
Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-II)

To

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+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-101627[F] dated 27/11/2019)
+1CC to M/s.G.PRABHU RAJADURAI, Advocate
(SR-101698[F]dated 27/11/2019)
+1 CC to M/s.SPL GP (SR-101975[F] dated 27/11/2019)

W.P. (MD) No.24098 of 2019
26.11.2019

MJ
SDS/28.11.2019/4P/7C