

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2106 of 2020

K.Raju

Petitioner

vs.

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Joint Registrar of Medical & Rural Health Services,
Race Course Road,
Coimbatore.
3. The Treasury Officer,
Coimbatore District Treasury,
Coimbatore.
4. The Senior Manager,
United India Insurance Company Limited,
Divisional Office VI,
PLA Rathna Towers,
5th Floor, No.212, Anna Salai,
Chennai - 600 006.
5. United India Insurance Company Limited,
Represented by its Divisional Manager,
Divisional Office VI,
PLA Rathna Towers,
5th Floor, No.212, Anna Salai,
Chennai - 600 006.
6. The Personal Assistant to Collector,
(Accounts),
O/o the District Collector,
Coimbatore.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the 1st impugned order issued 6th respondent in proceedings Na.Ka.6744/2017/A3 dated 29.10.2019 & the subsequent impugned

order issued by the 3rd respondent in proceeding Na.Ka.No.21536/2019/KU3 dated 02.12.2019 and quash these orders and consequently direct the respondents to pay a sum of Rs.2,61,281/- towards Medical Reimbursement with interest at the rate of 12% per annum.

For Petitioner : Mr.B.Prem Narayan

For Respondents: Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader for R1,2,3,6

Mr.P.Sankaranarayanan for R4 & R5

O R D E R

By consent of both sides, this writ petition is taken up for disposal.

2.This writ petition has been filed challenging the impugned order passed by the 6th respondent rejecting the claim made by the petitioner for medical reimbursement.

3.The case of the petitioner is that he is a retired State Government employee who is receiving Government pension and he is a subscriber to the Tamil Nadu Government's New Health Insurance Scheme 2018. Every month, subscription is deducted towards the insurance premium from his pension. This pension scheme covers the petitioner as well as his family members.

4.The daughter of the petitioner developed sudden health complications and she was admitted in Multi Speciality Hospital on 04.09.2018, She was diagnosed with Headache/DNS, Fistula in Ano' & she underwent an emergency surgery of 'Septoplasty/FESS + Fistulotomy + Seton Placement' on 08.09.2018. She was thereafter, discharged on 12.09.2018. The total bill that was raised by the hospital was to the tune of Rs.2,61,281/- This amount was paid by the petitioner and thereafter, he made a claim for medical reimbursement to the 1st and 2nd respondent.

5.The 1st and 2nd respondents forwarded the claim to the 4th and 5th respondents. The 4th and 5th respondents seem to have rejected the claim on the ground that the procedure that was undergone by the daughter of the petitioner is not covered under the insurance. Pursuant to the same, the petitioner was informed by the 3rd respondent that the claim made by the petitioner is rejected. Aggrieved by the same, this writ petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.R.Prem Narayanan, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondents 1, 2, 3 and 6 and Mr.P.Sankaranarayanan, learned counsel appearing on behalf of the 4th and 5th respondents.

7. This is yet another case, where the Insurance company has shown total apathy in considering the genuine claim that was made for medical reimbursement. It is unfortunate that persons who have retired from service and are at the evening of their lives, are being run from pillar to post for getting medical reimbursement. It is seen from records that the procedure that was undergone by the daughter of the petitioner is clearly covered under Serial No. 57 of Annexure I and the concerned hospital is listed in Serial No.91 of Annexure II of G.O.Ms.No.222.

8. The petitioner had already paid the entire amount to the hospital and thereafter, had claimed for medical reimbursement. The medical reimbursement has been rejected without any application of mind on the ground that the procedure and diagnosis is not covered under the policy.

9. In the considered view of this Court, the rejection order suffers from illegality and non application of mind. The Insurance companies are expected to react in a more humane manner rather than being too hyper technical in dealing with medical reimbursement cases. In this case, this Court is able to find that both the operation, as well as the hospital, are clearly covered under the Government order and in spite of it, the insurance company has proceeded to reject the claim. Therefore, the same requires interference of this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

10. In view of the above discussion, the impugned order of the 6th respondent by his proceeding dated 29.10.2019 and the subsequent order issued by the 3rd respondent by his proceedings dated 02.12.2019 is hereby quashed. The 4th and 5th respondents are directed to immediately sanction the medical reimbursement and forward the same to the 3rd respondent in order to enable the 3rd respondent to make the payment to the petitioner. This process shall be completed, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 4th and 5th respondents along with a copy of this order. The petitioner shall also mark a copy of the same to the 3rd respondent.

11.This writ petition stands allowed with the above directions. No Costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Joint Registrar of Medical & Rural Health Services,
Race Course Road,
Coimbatore.
3. The Treasury Officer,
Coimbatore District Treasury,
Coimbatore.
4. The Personal Assistant to Collector,
(Accounts),
O/o the District Collector,
Coimbatore.
5. The Senior Manager,
United India Insurance Company Limited,
Divisional Office VI,
PLA Rathna Towers,
5th Floor, No.212, Anna Salai,
Chennai - 600 006.
- 6.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office VI,
PLA Rathna Towers,
5th Floor, No.212, Anna Salai,
Chennai - 600 006.

+1cc to Mr.R.Prem Narayan, Advocate SR.7254
+1cc to the Government Pleader SR.8136

W.P No.2106 of 2020

CB(25/02/2020)