

7IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.3313 of 2020

S.Ganesan

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai 600 009.
2. The Director of Treasuries and Accounts,
Pangal Building,
Chennai 600 015.
3. The Director of Medical and Rural Health Service,
Chennai - 600 006.
4. The District Level Empowered Committee,
Office of the Joint Director of Medical and Rural
Health Service,
Chennai - 600 006.
Represented by its Chairman,
The District Collector,
Chennai 600 001.
5. United India Insurance Company Limited,
Represented by the Sr. Divisional Manager,
Division Office VI,
Vth Floor, P.L.A.Rathna Towers,
No.212, Annasalai,
Chennai - 600 006.
6. The Additional Treasury Officer,
District Treasury,
Krishnagiri-635 115.
7. Narayana Hrudayalaya Limited,
NH Health City, 258/A, Bommasandra Industrial Area,
Anekal Taluk, Bangalore - 560 099. ... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified

Mandamus to call for the records of the 5th respondent relating to the orders dated 02.01.2020 to quash the same and to issue consequential directions to the respondents to settle the medical reimbursement claim of the petitioner for Rs.3,75,179.00 with 18% interest for delayed payment and disburse the same within a time frame.

For Petitioner : Mr.T. Muthukumaran
For R1 to R3, 4 & 6 : Mr.P.S. Siva Shanmuga Sundaram
Special Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the order passed by the 5th respondent, rejecting the claim made by the petitioner to settle the Medical reimbursement.

3. The case of the petitioner is that he is a pensioner, who is contributing towards the Health Insurance Scheme that was introduced by the Government and a sum of Rs.150/- is being recovered every month from the pension towards subscription. The petitioner suffered from a heart attack in the year 2016 and he was immediately rushed to a hospital, where he underwent ICD implantation. The petitioner was kept as an inpatient and he was discharged later.

4. The hospital raised a bill for a some of Rs.3,75,179/- (Rupees Three lakhs seventy five thousand one hundred and seventy nine only) and the petitioner paid that amount. Later, the petitioner made the insurance claim. Initially, the claim that was forwarded to the United Insurance Company was rejected on the ground that "Procedure not covered". The petitioner approached this Court and challenged the rejection by filing WP No.28744 of 2018 and this Court allowed the writ petition and directed the insurance company to again examine the claim made by the petitioner seeking for medical reimbursement. Unfortunately, the insurance company again rejected the claim made by the petitioner on the very same ground "Procedure not covered". Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. It is seen from records that the procedure that was under gone by the petitioner is clearly covered under Annexure 2

of the G.O.Ms.No.171, Finance (Pension) Department dated 26.06.2014. This list covers the disease under the head of "Cardiology and Cardio Thoracic Surgery". Obviously a heart surgery is included, since ICD implantation was made to the petitioner. The Insurance company had rejected the claim initially on the ground "Procedure not covered". This Court had considered the entire issue and found that the procedure was covered and therefore, the insurance company was asked to again consider the claim for reimbursement. The Insurance Company has again rejected the claim for the very same reason.

7. The petitioner is aged about 73 years and he has been made to run from pillar to post to get a medical reimbursement. The pensioners are contributing to the Health Insurance scheme with the fond hope that their claims will be immediately processed and they will be reimbursed, whenever they incur any expenditure towards medical treatment. These pensioners cannot afford to pay huge amounts to the hospitals and they are completely dependent on the medical insurance scheme. Under such circumstances, the insurance companies must handle the claims with a humanitarian consideration. They should not be rejecting the claim on hyper technical ground and as a result, making the pensioners to knock the doors of this Court.

8. In the considered view of this Court, the 5th respondent insurance company has dealt with this claim in a very inhuman way and it has rejected the claim for the 2nd time on the very same ground. Since the insurance company had rejected the claim, the Treasury officer is not in a position to settle the amount to the petitioner.

9. In the result, the impugned rejection letter of the 5th respondent dated 02.01.2020 is hereby quashed. The 5th respondent is directed to immediately process the insurance claim of the petitioner and sanction the entire amount claimed by the petitioner towards medical reimbursement and forward the same to the Treasury Officer, within a period of four weeks from the date of receipt of copy of this order. The Treasury officer shall thereafter pay the amount to the petitioner. It is also made clear that the claim should be settled within the time stipulated by this Court.

10. This Writ petition is allowed with the above directions.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

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+1 CC to Mr.T. Muthukumaran, Advocate sr 17191.

+1 CC to Govt. Pleader sr 11804.

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KS(CO)
SP(17/02/2020)