



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD)No.997 of 2020

S.Venkatachalam

... Petitioner

Vs.

1. The Commissioner of Treasuries and Accounts,
Chennai-35.
2. The District Collector,
Madurai District, Madurai.
3. The Treasury Officer,
District Treasury,
Madurai-625 020.
4. The United India Insurance Company Ltd.,
212, Anna Salai,
Chennai-6.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order of rejection of Medical reimbursement passed by the third respondent in his letter Na.Ka.No.18212/2018/M1 dated 28.11.2019 and quash the same and consequently, direct the respondents to reimburse Rs.5,34,491/- (Rupees five lakhs thirty four thousand four hundred ninety one only) being the actual Medical Expenditure incurred by the petitioner for the illness of Parkinsonism which is a case of SEPTIC ENCEPHALOPHY for treatment undergone by the petitioner in Apollo Speciality Hospital, Madurai, for the period from 08.11.2018 to 07.12.2018 in the light of the First bench Judgement of this Court in W.A(MD) No.843/2017 dated 28.11.2017 within a specified period that may be fixed by this Court.

For Petitioner	:	Mr.S.Govindan
For R-1 to R-3	:	Mr.K.P.Narayanakumar Special Government Pleader
For R-4	:	Mr.A.Shajahan



O R D E R

This writ petition has been filed challenging the impugned order passed by the third respondent in Na.Ka.No.18212/2018/M1, dated 28.11.2019 whereby the third respondent rejected the claim of the petitioner for reimbursement of the medical expenses of Rs.5,34,491/- on the ground the treatment was taken in non network hospital and disease not covered.

2.The grievance of the petitioner is that the District Level Empowered Committee passed an order dated 07.11.2019 recommending the claim of the petitioner for reimbursement of medical expenses of Rs.5,34,491/-. However, the insurance company rejected the claim of the petitioner and the same was communicated by the third respondent vide impugned order dated 28.11.2019 stating that the petitioner took treatment in non-network hospital and disease not covered. As per the insurance scheme, the petitioner is entitled to get maximum medical reimbursement of Rs.4 lakhs. The petitioner is now willing to get a sum of Rs.4 Lakhs, though the District Level Committee passed an order for a sum of Rs.5,34,491/-. Hence, appropriate directions may be issued by setting aside the impugned order passed by the third respondent.

3.The learned counsel appearing for the fourth respondent would submit that only the maximum insurance coverage amount under the New Insurance Scheme for the petitioner is only sum of Rs.4,00,000/-. The District Level Committee recommended the Insurance Company to pay the entire claim of Rs.5,34,491/-. Therefore, the Insurance Company is liable to pay only upto Rs.4 lakhs. Therefore, taking into consideration of all these aspects, appropriate order may be passed.

4.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.A.Shajahan, learned counsel appearing for the fourth respondent and perused the materials available on record.

5.On perusal of the impugned order, it appears that the fourth respondent/insurance company has rejected the claim of the petitioner, though the District Level Empowered Committee passed an order dated 07.11.2019 directing the insurance company to pay the amount and the same was communicated to the petitioner by virtue of the impugned order of the third respondent. This Court has already passed an order in a batch of writ petitions in W.P.(MD).Nos.21950 of 2016 etc., dated 16.12.2020, wherein it is clearly stated that once the District Level Empowered Committee has passed an order, the Insurance Company is liable to reimburse the said amount and they have no authority to reject the same. However, in the present case, as stated by the petitioner as well as the respondent, the maximum insurance coverage availed by the petitioner is only a sum of Rs.4 lakhs.



6.In view of the above observations, the impugned order passed by the third respondent in Na.Ka.No.18212/2018/M1 dated 28.11.2019 is set aside and the fourth respondent/Insurance Company is directed to pay a sum of Rs.4,00,000/- towards reimbursement of the medical expenses incurred by the petitioner within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar (AD-II)

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Treasuries and Accounts,
Chennai-35.
2. The District Collector,
Madurai District, Madurai.
3. The Treasury Officer,
District Treasury,
Madurai-625 020.

+ 1 CC TO Mr.S.A.SHAJAHAN, ADVOCATE IN SR No. 26426
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 26841

CP
TE : 07/01/2021 : 3P/6C

W.P (MD)No.997 of 2020
18.12.2020