



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

WEB COPY

Writ Petition (MD)No.1538 of 2020

and

W.M.P. (MD) .No.1247 of 2020

M.Mary Angel Ammal

... Petitioner

Vs.

1. The High Level Empowered Committee,
represented by the Additional Chief Secretary to Government,
Finance Department, Fort St. George,
Chennai-9.
2. The Government of Tamilnadu,
represented by its Secretary,
Department of Health and Family Welfare,
Fort.St.George, Chennai.
3. The State Level Empowered Committee,
Represented by the Principal Secretary/ the
Commissioner of Treasuries and Accounts,
Office of the Directorate of Treasuries and Accounts, 3rd Floor,
Integrated Office Complex for Finance Department,
Veterinary Hospital Campus,
Anna Salai, Nandanam,
Chennai 600 035.
4. The Director of Pension,
259, Anna Salai, DMS Compound,
Chennai-600 006.
5. The Director of Medical And Rural Health Service,
DMS Compound,
Teynampet, Chennai-6.
6. The Joint Director of Rural Health Services,
Government Head Quarters Hospital,
Nagercoil,
Kanyakumari District -629 002.
7. The District Collector,
Kanyakumari District at Nagercoil.



8. The District Treasury Officer,
Kanyakumari District at Nagercoil.
9. The Senior Divisional Manager,
United India Insurance Company,
Divisional Office VI, PLA Rathna Towers,
5th Floor, 212, Anna Salai, Chennai-6
10. The Chief Nodal Officer NHIS -2012,
United India Insurance Company Ltd.,
Divisional Office-010 600,
Rathina Towers 5th Floor, 212, Anna Salai,
Chennai-600 006.
11. The Head Project Officer /Managing Director,
M.D.India Health Care Service (TPA) Pvt. Ltd., No.27,
Lakshmi Tower,
Third Floor, Dr.Rathakrishnan Salai,
Mylapore, Chennai-4.
12. The District Organizer,
M.D.India Health Care Service (TPA) Pvt., Ltd.,
No.84, Luyis Amma Street, W.C.C.Junction,
Nagercoil, Kanyakumari District.

... 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 pertaining to the impugned order of the ninth respondent in Letter dated 02.07.2019 and to quash the same and direct the respondents to disburse the medical reimbursement amount of Rs.1,73,329/- with interest, within the time stipulated by this Court.

For Petitioner	:	Mr.M.R.Sreenivasan
For R1 to R8	:	Mr.K.P.Narayanakumar Special Government Pleader
For R9 to R12	:	Mr.A.Shajahan

O R D E R

This writ petition has been filed challenging the impugned order passed by the ninth respondent/Insurance Company, dated 02.07.2019 and to quash the same and consequently, direct the respondents to disburse the medical reimbursement amount of Rs.1,73,329/- with interest.

2. The case of the petitioner is that she made an application, on 03.11.2018, before the 8th respondent for medical reimbursement of Rs.1,73,329/- and the 8th respondent has forwarded the application to

<https://hcservices.ecourts.gov.in/hcservices/>



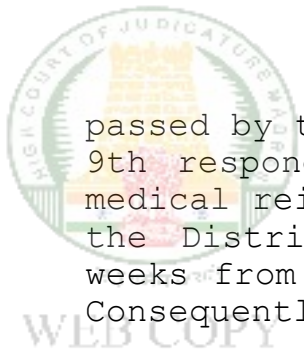
the District Level Empowered Committee. The District Level Empowered Committee has passed an order, after considering all the materials on record, directing the 9th respondent/Insurance Company to pay a sum of Rs.1,73,329/- towards medical reimbursement. However, the 9th respondent has rejected the claim of the petitioner, dated 02.07.2019, on the ground that the treatment was taken in non-network hospital.

3. According to the petitioner, as held by this Court in W.P. (MD).Nos.21950 etc., batch, dated 16.12.2020, even the treatment taken in non-network hospital can be considered. Therefore, so many matters have been remanded back for reconsideration, by referring the judgment of the Hon'ble Apex Court in W.P.(Civil) No.694 of 2015, dated 13.04.2018 (Party in person vs. Binu Tamta, Diksha Rai and Anil Hooda for D.S.Mahra). Further, the learned counsel for the petitioner contended that in a catena of decisions, this Court also, the criteria for the reimbursement of medical expenses is not with regard to the non-network hospital, but they have to verify with regard to the genuineness, necessity of expenses and as the treatment was provided by the qualified medical officer, the Insurance Company cannot doubt on the expenses incurred by the petitioner in an urgent situation.

4. Mr.A.Shajahan, learned counsel appearing for the respondents 9 to 12 submitted that the petitioner has taken treatment in non-network hospital and hence, they have rejected the claim of the petitioner.

5. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 8, learned counsel appearing for the respondents 9 to 12 and perused the materials available on record.

6. On perusal of the impugned order, it appears that the District Level Empowered Committee has passed an order, directing the 9th respondent to pay a sum of Rs.1,73,329/- towards the medical reimbursement. However, without reimbursing the same, the 9th respondent has rejected the claim of the petitioner stating that the treatment was taken in non-network hospital. This Court, in a batch of writ petitions in W.P.(MD).Nos.21950 etc., dated 16.12.2020, held that the matter should not be looked into on the aspect of the treatment taken in non-network hospital, so as to the petitioner is not entitled for the reimbursement, but it should be on the aspect of the nature, necessity and urgency, as the treatment was provided, it should not be doubted and in number of cases, this Court directed the Insurance Company to pay the medical reimbursement as directed by the District Level Empowered Committee. Further, the Insurance Company cannot refuse to pay the medical reimbursement, subsequent to the order passed by the District Level Empowered Committee. Therefore, this Writ Petition is allowed and the impugned order



passed by the 9th respondent, dated 02.07.2019, is set aside and the 9th respondent is directed to pay a sum of Rs.1,73,329/- towards medical reimbursement, to the petitioner, as per the order passed by the District Level Empowered Committee, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Additional Chief Secretary to Government,
High Level Empowered Committee,
Finance Department, Fort St. George,
Chennai-9.
2. The Secretary,
Government of Tamil Nadu,
Department of Health and Family Welfare,
Fort.St.George, Chennai.
3. The Principal Secretary/
Commissioner of Treasuries and Accounts,
State Level Empowered Committee,
Office of the Directorate of Treasuries and Accounts, 3rd Floor,
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4. The Director of Pension,
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5. The Director of Medical And Rural Health Service,
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6. The Joint Director of Rural Health Services,
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10. The Chief Nodal Officer NHIS -2012,
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M.D.India Health Care Service (TPA) Pvt., Ltd.,
No.84, Luyis Amma Street, W.C.C.Junction,
Nagercoil, Kanyakumari District.

+1cc to Mr.A.Shajahan, Advocate, SR.No.26427.
+1cc to Mr.M.R.Sreenivasan, Advocate, SR.No.26544.
+1cc to the Spl GP SR.No.26850.

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SSS(CO)
CS: 18.01.2021 5P 16C