



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.3064 of 2020

Meenakshi

... Petitioner

Vs

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The District Collector,
Tenkasi District,
Tenkasi.
3. The District Treasury Officer,
Tirunelveli District,
Tirunelveli.
4. The District Treasury Officer,
Tenkasi,
Tenkasi District.
5. The United India Insurance Company,
Divisional Office-VI,
PIG Rathina Towers,
5th Floor, 2/2 Anna Salai,
Chennai.
6. Lakshmi Multispeciality Hospital,
Madurai Road,
Udaiyarpatti, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the impugned order in Na.Ka.No.9127/N1/2019 Serial No.13 dated 12.12.2019 and quash the same as illegal and arbitrary and consequently directing the respondents 1 to 5 to sanction the medical reimbursement amount of Rs.2,73,956/- (Rupees two lakhs seventy three thousand nine hundred and fifty six only) to the petitioner.

For Petitioner : Mr.P.T.Thiraviam
For Respondents : Mr.Karuppasamy Pandian
Government Advocate



O R D E R

The Writ Petition has been filed by the petitioner to quash the impugned order in Na.Ka.No.9127/N1/2019 Serial No.13 dated 12.12.2019 and to direct the respondents 1 to 5 to sanction the medical reimbursement amount of Rs.2,73,956/- to the petitioner.

2. By consent by both parties, the Writ Petition is taken up for final hearing at the stage of admission itself.

3. The case of the petitioner is that she is a pensioner and she is also a subscriber to the Tamil Nadu New Health Insurance Scheme and she pays subscription every month. The petitioner was admitted in a Private Hospital and she underwent surgery for Coronary Angiogram and Angioplasty with standing to PLAD and incurred a sum of Rs.2,73,956/- towards medical expenses. The grievance of the petitioner is that the proposal sent by her for medical reimbursement was rejected by the 3rd respondent by order dated 12.12.2019, stating that the treatment was taken by her in a non network hospital. Challenging the same, this Writ Petition has been filed.

4. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court passed orders in W.P.(MD) No.9761 of 2013 (S.Vijaya Vs.The Additional Director, Tamil Nadu Health Scheme, Directorate of Medical and Rural Health Service Campus, New Building 2nd Floor, Teynampet, Chennai and 2 others) on 09.12.2016, directing the respondents therein to consider the claim of the petitioner therein afresh. It would be useful to refer the operative portion of the order, which reads as follows:

9. This Court has considered the rival submissions made by the parties and the earlier decisions of this Court reported in 2010(2)L.W.90, in the matter of Star Health and Allied Insurance Company Limited V.A.Chokkar and others and also yet another judgment of this Court in W.A.(MD) No.859 of 2013, in the matter of State of Tamil Nadu V.Mary Thilagavathi and another.

10. As has been discussed above, the reasons <http://judis.nic.in> cited by the 1st respondent in the impugned order are either non-est or cannot be considered as valid reasons for the rejection of the claim of the petitioner for medical reimbursement, hence, this Court is of the considered view that the impugned order is unsustainable and is liable to be quashed. Accordingly, the impugned order is quashed and the matter is remitted back to the first respondent for reconsideration and while doing reconsideration, the first respondent without giving the same reasons, has to explore the possibility of granting the reimbursement to



the petitioner either under the scheme or on the basis of the agreement entered into between the Government and the third respondent, as admittedly, the petitioner has undertaken the treatment of a major surgery, for which, the medical reimbursement cannot be refused or rejected by the respondents. Thus, the learned counsel sought a similar order in this Writ Petition also, for which, the learned counsel appearing for the respective respondents have no serious objection."

5. Following the above said decision, the impugned order passed by the third respondent on 12.12.2019 is hereby quashed and the matter is remitted back to the 1st respondent for reconsideration. While reconsidering, the 1st respondent, without giving the same reasons, has to explore the possibility of granting the reimbursement to the petitioner, as admittedly, the petitioner has undertaken the treatment for a major surgery. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The District Collector,
Tenkasi District,
Tenkasi.
3. The District Treasury Officer,
Tirunelveli District,
Tirunelveli.
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5. The United India Insurance Company,
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6. Lakshmi Multispeciality Hospital,
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Udaiyarpatti, Tirunelveli.

+1 CC to M/s.SPL.GP (SR-10777[F] dated 10/03/2020)

+1 CC to M/s.P.T.THIRAVIAM, Advocate (SR-10917[F] dated
10/03/2020)

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SPU (11.06.2020) 4P-9C