



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8215 of 2020

and

W.M.P. (MD) No.7626 of 2020

WEB COPY

Thangaraj

... Petitioner

Vs.

- 1) The Government of Tamil Nadu,
Rep. By its Secretary,
Fort St.George,
Chennai 600 009
- 2) The District Collector,
Tirunelveli District,
Tirunelveli.
- 3) The Joint Director,
Medical and Rural Health Service Department.
Tirunelveli, Tenkasi.
- 4) The Treasury Officer,
District Treasury,
Tirunelveli.
- 5) MD Indian Health Care
Services (TPA) Private Ltd.,
(Unit of United India Insurance Company Ltd.,)
Rep., through its Assistant Manager,
No.27, Lakshmi Towers, 3rd Floor,
Dr.Radhakrishnan Salai, Mylapre,
Chennai 600 004

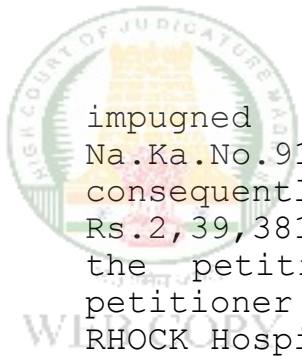
... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders passed by the 4th respondent in Na.Ka.No.9127/No.1/2019, dated 20.01.2020 and quash the same and consequently direct the respondents to reimburse a sum of Rs.2,39,381/- (i.e.) [Rs.1,19,000/- + Rs.39,986/- + Rs.79,495/-] to the petitioner towards the medical expenses incurred by the petitioner towards treatment between 03.03.2019 to 04.04.2019 at RHOCK Hospital, Tirunelveli within a time stipulated by this Court.

For Petitioner	: Mr.J.C.Rathnavel Pandian
For Respondents	: Mr.K.Mu.Muthu,
Nos 1 to 4	Additional Government Pleader

O R D E R

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, calling for the records relating to the



impugned orders passed by the 4th respondent in Na.Ka.No.9127/No.1/2019, dated 20.01.2020 and quash the same and consequently direct the respondents to reimburse a sum of Rs.2,39,381/- (i.e.) [Rs.1,19,000/- + Rs.39,986/- + Rs.79,495/-] to the petitioner towards the medical expenses incurred by the petitioner towards treatment between 03.03.2019 to 04.04.2019 at RHOCK Hospital, Tirunelveli within a time stipulated by this Court.

2. The petitioner is a retired employee, who had worked in the Police Department, bearing Pension No.PPO No.R0506384. He retired from service on 31.10.2011. He also joined the New Health Insurance Scheme, meant for retired Government employees / pensioners.

3. In this regard, the petitioner has taken treatment for his illness and for reimbursement of the said amount, he made a request to the respondents and the fourth respondent, vide impugned communication, dated 20.01.2020, rejected the request of the petitioner stating that, in the District Level Empowered Committee, the request of the petitioner having been considered, was rejected on the reason that, the petitioner since has taken treatment in an unapproved Hospital, which means, the Hospital is not being listed among the Hospitals included under the Scheme. Therefore, the request of the petitioner has been rejected through the impugned order and challenging the same, the present writ petition has been filed.

4. Heard Mr.J.C.Rathnavel Pandian, learned counsel appearing for the petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents 1 to 4.

5. The learned counsel appearing for the petitioner has relied upon the decision of this Court made in a batch of writ petitions, where I had an occasion to consider all the issues relating to reimbursement of medical expenses under the Insurance Scheme. In a batch of cases in W.P.(MD) No.13429 of 2013 dated 28.05.2019, I have passed the following order :

"80. In order to reconsider all these claim made by the respective writ petitioners for medical reimbursement, by remitting the matters back, the following directions are issued:

(i) All the impugned orders in the respective writ petitions in this batch of cases, are hereby quashed.

(ii) The writ petitions where impugned orders are quashed as well as the writ petitions where mandamus sought for, are hereby remanded with directions to the concerned District Level Empowered Committee, before whom, these matters shall be placed and the Committee shall reconsider every individual case.

(iii) While reconsidering, the Committee shall not reject any claim merely on the reason of non network

<https://hcservices.ecourts.gov.in/hcservices1> or non listed disease.



(iv) The Committee, wherever possible, shall give suitable direction to the Insurance Company to reimburse the claim made by the respective claimant / employee / pensioner.

(v) If the Committee finds some cases where the Insurance Company cannot be directed to reimburse, in those cases, suitable orders shall be passed directing / recommending the State authorities to reimburse the claim under Medical Attendance Rules.

(vi) Once such orders are passed, the Insurance Company shall immediately reimburse the medical claim with 6% interest from the date of due till date of payment, within a period of thirty days from the date of receipt of such order to be passed by the Empowered Committee of the District concerned.

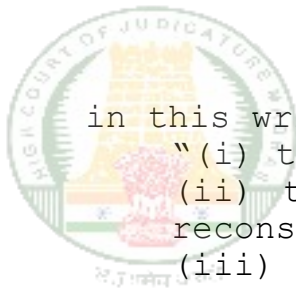
(vii) On receipt of such orders / recommendation from the Empowered Committee, the Sanctioning authority / State authority / High Power Committee in the State Level shall pass necessary orders allowing the medical reimbursement claimed by the individual claimant / employee / pensioner under the Medical Attendance Rules.

(viii) While ordering medical reimbursement under Medical Attendance Rules, the rate approved, accepted or quoted by the Insurance Company under the Medical Insurance Scheme shall be taken as the rate and by calculating the reimbursement on the said rate, the reimbursement claim shall be immediately sanctioned and the amount shall be reimbursed to the claimant with 6% interest from the date of due till date of payment, within a period of thirty days from the receipt of the recommendation / order from the District Empowered Committee.

With these directions, all these writ petitions are ordered to the terms indicated above. Consequently, connected miscellaneous petitions are closed. However there shall be no order of costs."

6. In view of the said order, this Court feels that, the mere reason that the petitioner has taken treatment in the Hospital which is not listed, cannot be accepted as the District Level Empowered Committee has to look into the matter once again and if at all the petitioner is not entitled to get the reimbursement benefit from the Insurance Company concerned, he would be entitled to get the reimbursement amount from the Government as has been held in the said judgment referred above.

7. Therefore, this Court feels that the impugned order cannot be sustained. In view of the same, the following orders are passed



in this writ petition:

- "(i) the impugned order is quashed;
- (ii) the matter is remitted back to the respondents for reconsideration;
- (iii) while making such reconsideration, the second respondent/ District Collector can place the matter before the District Level Empowered Committee or any other Authority and accordingly make a recommendation to the Government to consider the request of the petitioner for reimbursement of the medical claim, if not from the Insurance Companies, through the Government, as indicated in the order referred above made in W.P.(MD) No.13429 of 2013 dated 28.05.2019; and
- (iv) such efforts shall be taken and final orders shall be passed by the respondents within a period of two months from the date of receipt of a copy of this order."

8. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.7626 of 2020 is closed.

Sd/-

Deputy Registrar (LA&M)

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/ /2020

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 Secretary, Government of TamilNadu,
Fort St.George,
Chennai 600 009
- 2) The District Collector,
Tirunelveli District,
Tirunelveli.
- 3) The Joint Director,
Medical and Rural Health Service Department.
Tirunelveli, Tenkasi.
- 4) The Treasury Officer,
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KB(04.09.2020) 4P 5C

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