



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.8649 of 2020

and

W.M.P. (MD) .No.7994 of 2020

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M.Rajambal

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by the Additional Chief Secretary to the Government,
Finance Department,
Fort St. George,
Chennai 600 009.
- 2.The Directors of Pensions,
Integrated Complex of Finance Department,
Finance Department,
Nandanam, Chennai-35.
- 3.The Treasury Officer, District Treasury,
Nagercoil, Kanyakumari District.
- 4.The District Collector Cum Chairman,
District Empowered Committee,
Tamil Nadu Health Insurance Scheme,
Nagercoil, Kanyakumari District.
- 5.The District Co-Ordinator,
MD India Health Insurance (TPA) Pvt. Ltd.,
No.84, Lousiamma Street,
WCC Junction, Nagercoil, Kanyakumari District.
- 6.The United Insurance Co.Ltd.,
Divisional Office-VI,
5th Floor, PLA Rathna Tower,
212 Anna Salai, Chennai-006

... 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 proceedings of the sixth respondent, dated 18.02.2020 and quash the same insofar as the order rejecting the medical reimbursement claim of the petitioner in Serial No.17 of the proceedings is concerned and consequently direct the respondent to reimburse the medical expenses borne out by the petitioner in Ananthapuri Hospital and Research Institute, Trivandrum on 09.07.2019, 11.07.2019 to 20.11.2019 for a total sum of Rs.2,65,000/-.



For Petitioner : Mr.C.K.M.Appaji
For R1 to R5 : Mr.M.Jeyakumar
Additional Government Pleader
For R6 : Mr.A.Shajahan

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ORDER

This writ petition has been filed challenging the proceedings of the sixth respondent, dated 18.02.2020 and quash the same and consequently direct the sixth respondent to reimburse the medical expenses borne out by the petitioner in Ananthapurai Hospital and Research Institute, Trivandrum, on 09.07.2019, 11.07.2019 to 20.11.2019, for a total sum of Rs.2,65,000/-.

2. The case of the petitioner is that she is a retired Government servant and she was taken treatment for Cardiac in Ananthapuri Hospital and Research Institute, Trivandrum and she is entitled for reimbursement of the medical expenditure under the Government of Tamil Nadu New Health Insurance Scheme, 2014. Therefore, she made a representation to the third respondent on 07.08.2019, requesting him to reimburse the medical expenditure of Rs.2,65,000/-. The third respondent in turn forwarded the matter to the District Level Empowered Committee and on 20.01.2020, the District Level Empowered Committee recommended for disbursement of Rs.2,65,000/- in favour of the petitioner. On 20.01.2020, the third respondent has forwarded the resolution of the District Level Empowered Committee to the sixth respondent. But, the sixth respondent / the Insurance Company has rejected the claim of the petitioner on the ground that Angiogram is not covered under the Scheme and the hospital is not an empaneled hospital under the Scheme. Hence, the petitioner has approached this Court by filing this writ petition.

3. The learned counsel appearing for the petitioner submitted that though the District Level Empowered Committee has recommended for disbursement of Rs.2,65,000/- in favour of the petitioner, the sixth respondent / the Insurance Company has rejected the claim of the petitioner. Further, the learned counsel for the petitioner brought to the notice of this Court to the order passed by this Court in W.P.(MD).Nos.21950 of 2016 etc., batch, dated 16.12.2020.

4. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent and perused the materials available on record.

5. In view of the order passed by this Court in a batch of writ petitions in in W.P.(MD).Nos.21950 of 2016 etc., batch, dated 16.12.2020 and in view of the stand taken by this Court that once the District Level Empowered Committee has passed an order, it is



mandatory for the Insurance Company to comply the order and they cannot have any power to reject the claim of the petitioner. Therefore, the proceedings of the sixth respondent, dated 18.02.2020, is set aside and the sixth respondent/ the Insurance Company is directed to reimburse the medical expenses to the petitioner, as ordered by the District Level Empowered Committee, dated 20.01.2020, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2021

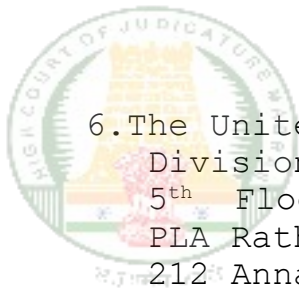
Sub Assistant Registrar(CS)

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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 the Government,
The State of Tamil Nadu,
Finance Department, Fort St. George, Chennai 600 009.
- 2.The Directors of Pensions,
Integrated Complex of Finance Department,
Finance Department, Nandanam, Chennai-35.
- 3.The Treasury Officer, District Treasury,
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6.The United Insurance Co.Ltd.,
Divisional Office-VI,
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+1 CC to Mr.Shajahan ,Advocate,in SR.No.26429.

+1 CC to Special Government Pleader SR.No.26622.

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