



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.9587 of 2020

and

W.M.P. (MD) .No.8640 of 2020

WEB COPY

N.Ananthi

... Petitioner

Vs.

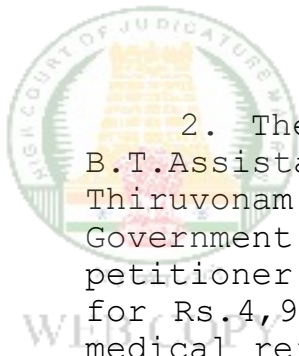
1. The District Collector,
Collectorate,
Thanjavur,
Thanjavur District.
 2. The Additional General Manager, (Operations),
Project Head - TNNHIS Employees Pensioners and Co-Operative
Schemes,
MD India Health Insurances TPA Pvt. Ltd.,
New D.No. 443, 445, Guna Complex,
Anna Salai, Teynampet,
Chennai - 18.
 3. The Joint Director of Medical and Rural Health Services,
Thanjavur,
Thanjavur 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 in reference No.GTM308/03/2020, dated 11.03.2020, on the file of the second respondent and quash the same as illegal and consequently direct the respondents to provide the Medical Reimbursement to the Petitioner to the tune of Rs.4,95,575/- (Rupees Four Lakhs Ninety Five Thousand Five Hundred and Seventy Five Only) within the time stipulated by this Court.

For Petitioner	:	Mr.S.Louis
For R1 and R3	:	Mr.M.Jeyakumar
		Additional Government Pleader
For R2	:	Mr.A.Shajahan

O R D E R

This writ petition has been filed challenging the impugned order passed by the second respondent in Reference No.GTM308/03/2020, dated 11.03.2020 and quash the same and consequently direct the respondents to provide the medical reimbursement of Rs.4,95,575/-, to the Petitioner.



2. The case of the petitioner is that she is working as the B.T.Assistant (Maths) in Panchayat Union Middle School, Thirunallur, Thiruvonam Block, Thanjavur District and she is the Member of the Government of Tamil Nadu New Health Insurance Scheme, 2016. The petitioner has taken treatment for pregnancy and submitted a bill for Rs.4,95,575/-. According to the petitioner, she is entitled to medical reimbursement. Therefore, she made a claim before the second respondent/Insurance Company. However, the Insurance Company has rejected the same on the ground that the hospital is not the network hospital and the treatment is also not covered under the Scheme. Hence, the petitioner has made a representation to the first respondent on 27.02.2020, with all necessary bills and documents. But the first respondent has not passed any orders in the said representation and the same is pending for appropriate orders. Hence, the petitioner has approached this Court.

3. Mr.A.Shajahan, learned counsel appearing for the second respondent/Insurance Company strongly opposed this case stating that the petitioner has taken treatment for fertility issues and the same will not be covered under the New Health Insurance Scheme, 2016. Therefore, she is not entitled for the medical reimbursement. However, she has approached the Insurance Company as contemplated under the New Health Insurance Scheme, 2016.

4. Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents 1 and 3 submitted that the first respondent/the District Collector has already placed the matter before the District Level Empowered Committee and it is under consideration.

5. On perusal of the documents, it appears that the petitioner has approached the two persons for the same claim, one is to the Insurance Company and another one is to the District Collector and as far as the order under challenge is against the Insurance Company. Certainly, under the New Health Insurance Scheme, the petitioner is entitled to approach the Insurance Company and make a claim directly. But, upon hearing the submissions of the learned Additional Government Pleader appearing for the respondents 1 and 3, though the petitioner has wrongly made a representation to the first respondent/the District Collector, they have considered the representation and placed it before the District Level Empowered Committee along with all the documents and now, it is under the consideration of the District Level Empowered Committee. The District Level Empowered Committee is the appropriate authority to decide the present issue and not the Insurance Company. Therefore, there is no need for this Court to interfere with the order passed by the Insurance Company and it is only the District Level Empowered Committee to pass orders and the matter is pending before the District Level Empowered Committee. Hence, there is no merit in the writ petition and the same is liable to be dismissed. Accordingly,



the Writ Petition is dismissed. While dismissing the writ petition, this Court directs the District Level Empowered Committee to dispose of the representation of the petitioner, dated 27.02.2020, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order, since the same is pending from the month of February 2020. No costs. Consequently, the connected Miscellaneous Petition is closed.

6. The observation made by the second respondent/Insurance Company in the impugned order will not be an embargo to the District Level Empowered Committee to pass orders, on merits of the case and in case, if the District Level Empowered Committee passed an order directing the Insurance Company to reimburse the medical expenditure, the impugned order will not stand on the way to pay the amount as ordered by the District Level Empowered Committee.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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 District Collector,
Collectorate,
Thanjavur,
Thanjavur District.
2. The Additional General Manager, (Operations),
Project Head - TNNHIS Employees Pensioners and Co-Operative
Schemes,
MD India Health Insurances TPA Pvt. Ltd.,
New D.No. 443, 445, Guna Complex,
Anna Salai,
Teynampet,
Chennai - 18.



3.The Joint Director of Medical and Rural Health Services,
Thanjavur,
Thanjavur District.

+1cc to the Spl GP SR.No.26621.

+1cc to Mr.S.Louis, Advocate, SR.no.26525.

Writ Petition (MD)No.9587 of 2020
18.12.2020

SE (CO)

CS(11.01.2021) 4P 6C