



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD)No.18350 of 2019

R.Servaikaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Department of Finance,
Secretariat, Fort St.George,
Chennai.

2.The Joint Director,
Medical and Rural Health Services,
Periyakulam,
Theni District.

3.The District Collector,
Theni District,
Theni.

4.The District Treasury Officer,
District Treasury Office,
Theni, Theni District.

5.The District Level Empowered Committee,
Rep by its Chairperson,
Theni District,
Theni.

... 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 Na.Ka.No.9552/2018/B1 dated 19.06.2019 on the file of the fourth respondent and quash the same as illegal and consequently for a direction, directing first respondent to provide the Medical Reimbursement of Rs.1,18,334/- with interest at the rate of 12% per annum for the treatment of the petitioner's wife from 12.04.2017 till the date of payment within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R-1 to R-5 : Mr.M.Jeyakumar

Additional Government Pleader



O R D E R

This writ petition has been filed challenging the impugned order passed by the fourth respondent in Na.Ka.No.9552/2018/B1 dated 19.06.2019, whereby the petitioner's claim for reimbursement of medical expenses of Rs.1,18,334/- was rejected on the ground that the treatment was taken in non-network hospital and also the treatment is not included in the list of accredited Treatment and Surgeries list in the NHIS-2014 for pensioners.

2.The learned counsel for the petitioner would submit that if the medical claim of the petitioner is not covered under the New Health Insurance Scheme, then the petitioner is entitled to get the reimbursement under the Medical Attendance Rule. In the present case, the District Level Empowered Committee has not decided anything about this aspect. Further, the claim of the petitioner's was also rejected on the basis of non-network hospital. In support of his contention, 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.

3.The learned Additional Government Pleader appearing for the respondents 1 to 5 would submit in a batch of writ petitions in W.P.(MD).Nos.21950 etc., dated 16.12.2020, this court has passed an order to set aside the impugned order and remanded back the matter for fresh consideration. The issue in the present writ petition is also covered by the said decision.

4. Since the present issue in this writ petition is squarely covered in the order passed by this Court in a batch of writ petitions in W.P.(MD).Nos.21950 of 2016 etc., dated 16.12.2020, the impugned order passed by the fourth respondent dated 19.06.2019 is set aside and the matter is remanded back to the fourth respondent for reconsideration of the medical expenses of the petitioner and pass appropriate orders by taking into consideration of all the aspects observed in the order passed by this Court in W.P.(MD). Nos.21950 of 2016 etc., batch, dated 16.12.2020. Accordingly, this Writ Petition is allowed. No costs.

Sd/-

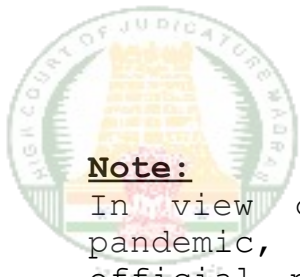
Assistant Registrar(AD-II)

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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 Principal Secretary,
Department of Finance,
Secretariat, Fort St.George,
Chennai.
- 2.The Joint Director,
Medical and Rural Health Services,
Periyakulam,
Theni District.
- 3.The District Collector,
Theni District,
Theni.
- 4.The District Treasury Officer,
District Treasury Office,
Theni, Theni District.
- 5.The Chairperson,
District Level Empowered Committee,
Theni District, Theni.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR.No. 26482
+1 CC to Mr. Special Government Pleader, SR.No. 26625

W.P (MD)No.18350 of 2019
18.12.2020

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CK(CO)
TR(07.01.2021) 3P 8C