



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD)No.5876 of 2018

E.Kasiappan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Sub Treasury Officer,
Rajapalayam,
Virudhunagar District.

3.The Divisional Officer,
The United India Insurance Company,
No.124, Greenways Road, Chennai.

4.Nithilaa Nursing Home,
No.72, T.P.K.Road,
Palanganatham,
Madurai.

... 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 passed by the first respondent in Na.Ka.K1/26314/2016 dated 26.09.2016 and quash the same and consequently, direct the first respondent to sanction the medical reimbursement amount of Rs.66,835/- (Rupees Sixth six thousand and Eight hundred and thirty five only) to the petitioner.

For Petitioner	:	Mr.A.Rajaram
For R-1 and R-2	:	Mr.N.Shanmugaselvam Additional Government Pleader
For R-3	:	Mr.A.Shajahan

O R D E R

This writ petition has been filed challenging the impugned order passed by the first respondent in Na.Ka.K1/26314/2016 dated 26.09.2016 whereby the petitioner's claim for reimbursement of medical expenses of Rs.66,835/- was rejected on the ground that the treatment was taken during second year of the scheme are not considered for reimbursement.

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 get the reimbursement under the Medical Attendance Rule and In the present



case, the District Level Empowered Committee has not decided anything about this aspect. Hence, the petitioner requests this Court to direct the first respondent to pass an order directing the Insurance Company to pay the claim of the petitioner under the Medical Attendance Rule.

WEB COPY

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 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., batch, dated 16.12.2020, the impugned order passed by the first respondent dated 26.09.2016 is set aside and the matter is remanded back to the first respondent for reconsideration of the medical expenses of the petitioner. If the petitioner is not eligible under the New Health Insurance Scheme, the first respondent shall determine his eligibility under the Medical Attendance Rule. The first respondent shall pass an appropriate order directing the Government to make the payment under the Medical Attendance Rule. Accordingly, this Writ Petition is allowed. No cost.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

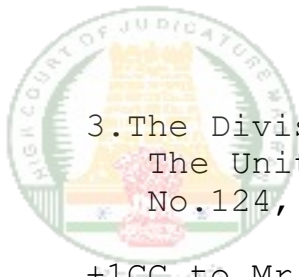
Note:

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,
Virudhunagar District.

2. The Sub Treasury Officer,
Rajapalayam,
Virudhunagar District.



3.The Divisional Officer,
The United India Insurance Company,
No.124, Greenways Road, Chennai.

+1CC to.Mr.A.Rajaram,Advocate,SR.No.26573 dated 21.12.2020

+1CC to Mr.A.Shajahan,Advocate,SR.No.26421 dated 21.12.2020

W.P (MD)No.5876 of 2018
18.12.2020

ES (CO)

KB(18.01.2021) 3P 6C