



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

WEB COPY

Writ Petition (MD)No.25299 of 2018

Mercy Bai

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by the Principal Secretary to Government,
Finance (Salary) Department,
Fort St.George,
Chennai.

2.The Government of Tamilnadu,
represented by its Secretary,
Department of Health and Family Welfare,
Fort.St.George, Chennai.

3.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet, Chennai-600 015.

4.The Director of Medical and Rural Health Service,
Teynampet,
DMS Compound,
Chennai-600 006.

5.The District Collector,
Kanyakumari District,
at Nagercoil.

6.The District Treasury Officer,
Kanyakumari District,
at Nagercoil.



7.The Divisional Manager,
United India Insurance Company,
010700, First Floor, Silingi Building,
134, Greems Road,
Chennai-600 006.

8.The Head Project Officer/Managing Director,
M.D.India Health Care Service (TPA) Pvt. Ltd.,
No.27, Lakshmi Tower,
Third Floor, Dr.Rathakrishnan Salai,
Mylapore, Chennai-600 004.

9.The District Organizer,
M.D.India Health Care Service (TAP) Pvt. Ltd.,
No.84, Luyis Amma Street,
W.C.C.Junction,
Nagercoil, Kanyakumari District.

10.The Joint Director of Medical & Rural
Health Services I/C,
Kanyakumari District at Nagercoil.

11.The Chief Nodal officer NHIS-2012,
United India Insurance Company Ltd.,
Divisional Office-010 600,
Rathina Towers 5th Floor,
212, Anna Salai, Chennai-6.

... 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 of the seventh respondent in Letter dated 12.12.2017 and to quash the same and direct the respondents to disburse the medical reimbursement amount of Rs.81,233/- within the time stipulated by this Court.



For Petitioner: Mr.M.R.Sreenivasan

For R1 to R6 : Mr.M.Karuppasamy
Government Advocate

For R7 : Mr.A.Shajahan

WEB COPY

O R D E R

This writ petition has been filed challenging the impugned order passed by the seventh respondent dated 12.12.2017 and to quash the same and direct the respondents to disburse the medical reimbursement amount of Rs.81,233/- within the time stipulated by this Court.

2.The case of the petitioner is that she is a retired Government servant and she is entitled for reimbursement of the medical expenditure under the Government of Tamil Nadu New Health Insurance Scheme. Therefore, she made a representation to the respondents on 29.11.2017, requesting them to reimburse the medical expenditure of Rs.81,233/- and the District Level Empowered Committee has recommended for disbursement of Rs.81,233/- in favour of the petitioner. But, the Insurance Company has rejected the recommendation of the Committee vide impugned order dated 12.12.2017. Hence, the petitioner has approached this Court by way of this writ petition for appropriate relief.

3. The learned counsel appearing for the petitioner would submit that though the District Level Empowered Committee has recommended for disbursement of Rs.81,233/- in favour of the petitioner, the seventh respondent / the Insurance Company has rejected the claim of the petitioner. He would further submit that once the District Level Empowered Committee has passed an order, it is mandatory for the Insurance Company to comply with the said order.

4. The learned counsel appearing for the seventh respondent would submit that since the petitioner took treatment in non-network hospital, the Insurance Company has rightly rejected the claim of the petitioner.

5.Heard the learned counsel for the petitioner, learned Government Advocate appearing for the respondents 1 to 6 and the learned counsel appearing for the seventh respondent and perused the materials available on record.

6.This Court in a batch of writ petition in W.P.(MD)Nos.21950 of 2016 etc., dated 16.12.2020 holding that once the District Level Empowered Committee has passed an order, the insurance



company shall pay the said amount and in otherwise they have entitled to file an appeal in accordance with procedure set out in the Insurance Scheme before the State Level Empowered committee. On perusal of the impugned order, it appears that the District Level Empowered Committee has passed an order approving the petitioner's claim and the same was forwarded to the third respondent/Insurance company. However, the Insurance Company returned the same to the first respondent stating that procedure is not covered. Hence, the impugned passed by the first respondent is perverse and illegal.

7.In view of the above observations, the impugned order passed by the seventh respondent dated 12.12.2017 is set aside and the seventh respondent/ Insurance Company is directed to reimburse the medical expenses to the petitioner, as ordered by the District Level Empowered Committee, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CP

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 to Government,
Government of Tamil Nadu,
Finance (Salary) Department,
Fort St.George,
Chennai.

2.The Secretary,
Government of Tamilnadu,
Department of Health and Family Welfare,
Fort.St.George, Chennai.



3.The Director of Treasuries and Accounts,
Panagal Building,
Saidapet, Chennai-600 015.

4.The Director of Medical and Rural Health Service,
Teynampet,
DMS Compound,
Chennai-600 006.

5.The District Collector,
Kanyakumari District,
at Nagercoil.

6.The District Treasury Officer,
Kanyakumari District,
at Nagercoil.

7.The Divisional Manager,
United India Insurance Company,
010700, First Floor, Silingi Building,
134, Greems Road,
Chennai-600 006.

8.The Joint Director of Medical & Rural
Health Services I/c,
Kanyakumari District at Nagercoil.

+1 cc to Mr.M.R.Sreenivasan , Advocate SR.No.26525

+1 cc to Mr.A.Shajahan , Advocate SR.No.26422

+1 cc to The Special Government Pleader Sr.No.26612

Writ Petition (MD)No.25299 of 2018

18.12.2020

KM (08.01.2021) 5P 12C