



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.23589 of 2019

WEB COPY

I.Vellaichamy

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

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

3.The United India Insurance Company,
Divisional Office VI,
Pla Rathina Towers,
5th Floor, 212, Anna Salai,
Chennai.

4.Meenakshi Mission Hospital,
and Research Centre,
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.K1/1891/2018 dated 27.09.2019 and quash the same in so far as the petitioner is concerned and consequently directing the first respondent to sanction the medical reimbursement amount of Rs.2,41,869/- (Rupees Two Lakhs Forty One Thousand Eight Hundred and Sixty Nine only) to the petitioner.

For Petitioner: Mr.A.Rajaram

For R1 and R2 : Mr.K.P.Narayanakumar
Special Government Pleader

For R3 : 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.K1/1891/2018 dated 27.09.2019 and quash the same in so far as the petitioner is concerned and consequently, directing the first respondent to



sanction the medical reimbursement amount of Rs.2,41,869/- to the petitioner.

2.The case of the petitioner is that he is a retired Government servant and he is entitled for reimbursement of the medical expenditure under the Government of Tamil Nadu New Health Insurance Scheme, 2014. Therefore, he made a representation to the first respondent on 26.10.2018, requesting him to reimburse the medical expenditure of Rs.2,41,869/- and the District Level Empowered Committee has recommended for disbursement of Rs.2,41,869/- in favour of the petitioner. But, the Insurance Company has rejected the recommendation of the first respondent and forwarded the same to the first respondent stating that Procedure is not covered under the Scheme and the same was communicated to the petitioner vide impugned order dated 27.09.2019 by the first respondent. 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.2,41,869/- in favour of the petitioner, the third 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 third respondent would submit that since the procedure is not covered under the New Health Insurance Scheme-2018, the Insurance Company has rightly rejected the claim of the petitioner.

5.Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third 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 first respondent dated 27.09.2019 is set aside and the third 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

// True Copy //

/ /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 District Collector,
Virudhunagar District,
Virudhunagar.
2. The Sub-Treasury Officer,
Rajapalayam,
Virudhunagar District.
3. The United India Insurance Company,
Divisional Office VI,
Pla Rathina Towers,
5th Floor, 212, Anna Salai,
Chennai.

+1cc to Mr.A.Shajahan, Advocate Sr.No.26425

+1cc to Mr.A.Rajaram, Advocate Sr.No.26590

+1cc to Special Government Pleader Sr.No.26542

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PU (CO)

NR (11/01/2020) 3P : 7C

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