



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20698 of 2021
and
W.M.P.No.21955 of 2021

(Through Video Conferencing)

M.Sadasivam

...Petitioner

Vs

1. The Commissioner of Treasuries and Accounts,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Complex,
Nandanam, Chennai - 600 035.
2. The Director of Medical & Rural Health Services,
No.359, Anna Salai,
DMS Compound, Teynampet,
Chennai - 600 006.
3. The District Collector-cum-Chairman,
District Level Empowered Committee,
Namakkal, Namakkal District.
4. The Joint Director of Health Services,
Government District Headquarters Hospital,
Namakkal - 637 001.
5. The District Treasury Officer,
District Treasury, Namakkal.
6. The Assistant Treasury Officer,
Government Sub Treasury,
Rasipuram, Namakkal District.
7. United India Insurance Company Limited,
Represented by its Divisional Manager,
Divisional Office 010600,
5th Floor, PLA Rathna Towers,
No.212, Anna Salai,
Chennai - 600 006.

...Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the first impugned order issued by the third respondent in proceeding no 'nil' dated 23.12.2019 and the second impugned order issued by the sixth respondent in proceedings Na.Ka.No.856/2021/A dated 08.04.2021 and quash these orders and consequently direct the respondents to pay the petitioner a sum of Rs.93,052/- towards the reimbursement of medical expenses incurred by the petitioner for the treatment of his wife with interest at the rate of 12% per annum.

For Petitioner : Mr.R.Prem Narayan
For Respondents :
For R1 to R6 : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first to sixth respondents.

2. The petitioner's wife passed away on 10.07.2014 due to Acute Renal Failure, Autoimmune Liver Failure and Ischemic Heart Disease. Since the petitioner had paid an amount of Rs.93,052/- to PSG Hospitals, the petitioner made a claim with the respondents in terms of G.O.Ms.No.171, Finance [Pension] Department dated 26.06.2014.

3. The third respondent by a communication dated 23.12.2019 has stated that the petitioner is not entitled for reimbursement on the ground that the deceased was not covered by G.O.Ms.No.222, Finance (Pension) Department dated 30.06.2018 though the hospital where the petitioner's wife took treatment was covered as approved hospital for taking treatment. The sixth respondent by the communication dated 08.04.2021 has stated that the hospital itself is not covered as approved hospital for taking treatment. The facts are not in dispute.

4. The petitioner has thus filed this writ petition to quash the impugned order dated 23.12.2019 passed by the third respondent and the impugned order dated 08.04.2021 of the sixth respondent and for a consequential direction to the respondents to reimburse an amount of Rs.93,052/- together with interest on the medical expenses spent by the petitioner in connection with the treatment of the his wife.

5. The aforesaid scheme/Government Order which commenced the National Health Insurance Scheme for pensioners including family pensioners was in force between 01.07.2014 to 30.06.2018. It is



now been replaced by a fresh scheme under G.O.Ms.No.222, Finance (Pension) Department dated 30.06.2018.

6. The aforesaid Government Order prima facie indicates that the disease namely Acute Renal Failure is covered at Sl.No.30 in Annexure-II in the aforesaid Government Order. Similarly, the hospital where the petitioner's wife took treatment is covered at Sl.No.153 in the approved list of hospitals for pensioners and family pensioners appended to the above notification/Government Order.

7. Incidentally, it is noticed that under the new scheme under G.O.Ms.No.222, Finance (Pension) Department dated 30.06.2018 also both the disease and the hospital are covered.

8. Considering the fact that the above observations in the impugned orders are contrary to the facts on record. The impugned orders passed by the third and sixth respondents are therefore quashed at the stage of admission. Both the third and sixth respondents are bound to consider the case of the petitioner in terms of G.O.Ms.No.171, Finance [Pension] Department dated 26.06.2014 which was in force between 01.07.2014 to 30.06.2018 i.e., during the period when the petitioner's wife was hospitalized on 07.07.2014 and eventually died on 10.07.2014.

9. In the light of the above observations, the respondents are directed to consider the claim of the petitioner in the light of G.O.Ms.No.171, Finance [Pension] Department dated 26.06.2014 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

10. In case the petitioner is eligible for reimbursement of medical expenses incurred by the petitioner for the treatment of his wife, the respondents shall pay the same together with interest at the rate of 7.5% per annum within a period of eight weeks thereafter.

11. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Treasuries and Accounts,
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District Treasury, Namakkal.
6. The Assistant Treasury Officer,
Government Sub Treasury,
Rasipuram, Namakkal District.

+1CC to Mr.R.Premnarayan, Advocate, Sr.No.49983
+1CC to Mr.Government Pleader, Sr.No.50484

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and
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PA (CO)
K.RK. (11.11.2021)