



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.5721 of 2021

M.Tamilselvi

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Finance (Salaries) Department,
Fort St. George,
Chennai - 09.

2.The District Collector cum Chairman,
District Level Empowerment Committee,
Karur, Karur District.

3.The Joint Director,
Health and Family Welfare Department,
Karur, Karur District.

4.United India Insurance Company,
Divisional Office,
1st floor,
134, Greaves Road,
Chennai - 600 006.

... Respondents

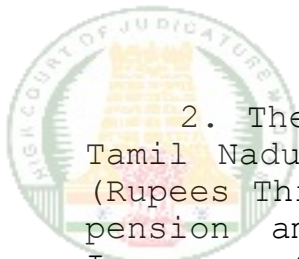
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to settle the medical bills of Rs.1,90,923/- with attendant charges and transport expenses of Rs.75,000/- totally Rs.2,65,923/- to the petitioner for the surgery of amputation of the petitioner's toe, as the petitioner is Medical Policy Holder of Tamil Nadu New Health Insurance Scheme which was introduced by the Tamil Nadu Government vide Government Order in G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.P.Subbaraj,
Government Advocate for R1 to R3
Mr.A.Shajahan for R4

ORDER

The petitioner has filed this Writ Petition seeking for a direction to the respondents to settle the amount spent for medical treatment to the petitioner, as the petitioner is Medical Policy Holder of Tamil Nadu New Health Insurance Scheme.

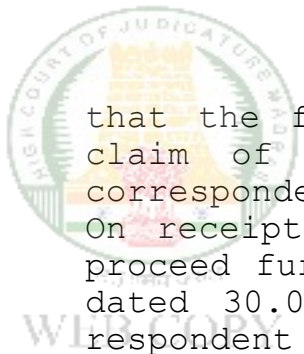


2. The petitioner is a pensioner and she is the member of the Tamil Nadu New Health Insurance Scheme, 2018. A sum of Rs.350/- (Rupees Three Hundred and Fifty only) per month is deducted from her pension amount towards premium for the Tamil Nadu New Health Insurance Scheme. According to the petitioner, she suffered illness due to diabetic ailment. She was admitted as inpatient in Kovai Medical Hospital, Coimbatore and her right toe was amputated. She spent a sum of Rs.1,90,923/- (Rupees One Lakh Ninety Thousand Nine Hundred and Twenty Three only) towards the medical expenses and a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) towards the attendant charges and transport expenses, totally Rs.2,65,923/- (Rupees Two Lakhs Sixty Five Thousand Nine Hundred and Twenty Three only). The said Kovai Medical Hospital, Coimbatore, is included in S.No.407 in G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018, as clusterwise, districtwise network in the guidelines for implementation of Tamil Nadu New Health Insurance Scheme, 2018. As per G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018, the petitioner is entitled to get reimbursement for medical expenses. The petitioner settled the entire amount to the hospital. The respondents 2 to 4 did not reimburse the amount spent by her towards medical expenses. In the circumstances, she has issued a legal notice to the fourth respondent on 27.07.2020 and has come out with the present Writ Petition.

3. Mr.A.Shajahan, learned counsel appearing for the fourth respondent submitted that the fourth respondent has received only a xerox copy of the medical bills and other documents. If the petitioner submitted original medical bills and documents, the fourth respondent will consider the same and pay the eligible amount to the petitioner.

4. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent and perused the materials available on record carefully.

5. From the above submissions and the materials available on record, it is seen that the petitioner is member of the Tamil Nadu New Health Insurance Scheme, 2018. According to the petitioner, a sum of Rs.350/- (Rupees Three Hundred and Fifty only) per month is deducted from her pension towards premium for the Tamil Nadu New Health Insurance Scheme, 2018. The petitioner has produced the identity card. The petitioner underwent surgery for her diabetic ailment in Kovai Medical Hospital, Coimbatore, which is a recognized hospital, as per G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018. The ailment of the petitioner is also recognized in G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018. The claim of the petitioner is not settled by the respondents 2 to 4. The learned counsel for the petitioner referred to a letter of the fourth respondent dated 26.08.2020, which is the reply to the notice served by her Advocate. From the said reply, it is seen



that the fourth respondent has stated that they will process the claim of the petitioner and they have not yet received any correspondence from the District Level Empowered Committee, Karur. On receipt of the same from the Committee, they will be able to proceed further as per G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018. The learned counsel appearing for the fourth respondent submitted that the original medical bills and documents were not produced by the petitioner.

6. In view of the above, the petitioner is directed to submit all the original medical bills and other documents, in support of her claim, before the second respondent. On receipt of the same, the second respondent is directed to process the claim of the petitioner and forward the same to the fourth respondent. Thereafter, the fourth respondent is directed to settle the eligible amount to the petitioner, within a further period of two weeks.

7. With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

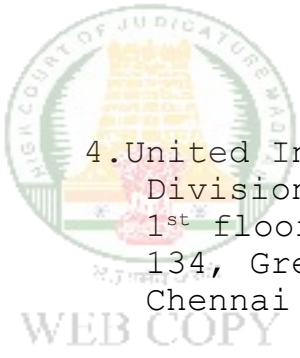
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Note :

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 Secretary,
State of Tamil Nadu,
Finance (Salaries) Department,
Fort St. George,
Chennai - 09.
- 2.The District Collector cum Chairman,
District Level Empowerment Committee,
Karur, Karur District.
- 3.The Joint Director,
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4.United India Insurance Company,
Divisional Office,
1st floor,
134, Greams Road,
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+1 CC to M/s.SPL GP (SR-22925[F] dated 16/07/2021)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-22841[F] dated 16/07/2021)

RKN (28.07.2021) 4P 7C