



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.07.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**

**AND**

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.A. (MD)Nos.1468 to 1471 of 2021**

**and**

**C.M.P(MD) .Nos.6005, 6007, 6012 and 6016 of 2021**

W.A. (MD) .No.1468 of 2021

The United India Insurance Co. Ltd  
No.27, Lakshmi Towers  
3rd Floor, Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.

... Appellant/5<sup>th</sup> Respondent

Vs.

1. T.Sanjeevi

... 1st Respondent/Writ Petitioner

2. The Secretary to Government,  
Family Welfare and Health Department,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai - 600 009.

3. The Director of Pension,  
259, Anna Salai, 3rd Block,  
2nd Floor, DMS Campus,  
Teynampet, Chennai - 600 006.

4. The District Collector,  
Thanjavur District,  
Thanjavur.

5. The District Treasury Officer,  
Court Road, Thanjavur District  
Thanjavur

... Respondents 2 to 5/  
Respondents 1 to 4

W.A. (MD) .No.1469 of 2021

The United India Insurance Co. Ltd  
No.27, Lakshmi Towers  
3rd Floor, Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.

... Appellant/2nd Respondent

Vs.



1. M.Perumal ... 1st Respondent/Writ Petitioner

2. State Level Empowerment Committee,  
Rep by its Commissioner and Rural Health  
Services,  
DMS Compound, Chennai - 600 005.

3. The Joint Director,  
Medical and Rural Health Services,  
Tirunelveli - 637 881.

4. The Joint Director,  
Tirunelveli District at Tenkasi.

5. The Joint Commissioner (S.T),  
C.T.Buildings, Reserve Line Road,  
Palayamkottai, Tirunelveli.

6. The District Collector,  
Tirunelveli,  
Tirunelveli District.

... Respondents 2 to 6/  
Respondents 1,3,4,5,6

W.A. (MD).No.1470 of 2021

The Divisional Manager,  
United India Insurance Co. Ltd  
Divisional Office, 5th Floor,  
P LA Rathna Towers,  
No.212, Anna Salai,  
Chennai - 600 004.

... Appellant/6th Respondent

Vs.

1. R.Dhanalakshmi ... 1st Respondent/Writ Petitioner

2. The Secretary,  
Department of Health,  
St.George Fort, Chennai.

3. The Secretary,  
Department of Finance,  
St.George Fort, Chennai.

4. The District Collector,  
Karur District, Karur.

5. The District Treasury Officer,  
Karur District, Karur.



6. The Project Officer,  
Child Welfare Scheme,  
Karur District, Karur.

... Respondents 2 to 6/  
Respondents 1 to 5

7. The Manager,  
MD India Health Insurance TPA Pvt. Ltd.,  
Guna Complex, No.443 and 445,  
Anna Salai, Teynampet,  
Chennai - 600 018.

... 7th Respondent/  
7th Respondent

W.A.(MD).No.1471 of 2021

The Divisional Manager,  
United India Insurance Co. Ltd  
Divisional Office, 5th Floor,  
P LA Rathna Towers,  
No.212, Anna Salai,  
Chennai - 600 004.

... Appellant/2nd Respondent  
Vs.

1. T.A.Sarojini

... 1st Respondent/Writ Petitioner

2. The Commissioner of Treasuries  
and Accounts,  
Integrated Office complex for Finance  
Department,  
3rd floor, Veterinary Hospitals Campus,  
Nandanam, Anna Salai, Chennai - 600 035.

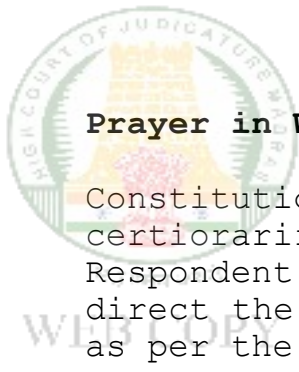
3. The Treasury Officer,  
District Treasury Office,  
Nagercoil, Kanyakumari District.

4. The Joint Director of Medical and  
Rural Health Services,  
Kanyakumari District,  
Kanyakumari 629 001.

5. The District Collector cum Chairman,  
District Empowered Committee,  
Tamilnadu New Health Insurance Scheme,  
Nagercoil,  
Kanyakumari District.

... Respondents 2 to 5/  
Respondents 1,3,4,5

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent,  
against the order of this Court made in W.P.(MD) Nos.16344,23377 of  
2019,13965,17667 of 2020 dated 16.12.2020.



**Prayer in WP(MD) . 16344/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorarified Mandamus to call for the records of the 5th Respondent dated 19.06.2019 and quash the same and consequently direct the respondents to reimburse the petitioners medical expenses as per the petitioners request dated 29.09.2016.

**Prayer in WP(MD) . 23377/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to Call for the records relating to the impugned communication sent by the 2nd respondent proceedings Nil dated 8.5.2019 and consequential order passed by the 4th respondent in Na.Ka.NO.5917/Ka5/2018 dated 9.10.2019 (received by the petitioner on 18.10.2019) and quash the same and to direct the 2nd and 4th respondents to disburse Rs.5,77,047-00 claim made by the petitioner.

**Prayer in WP(MD) . 13965/ 2020 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directs the 6th and 7th respondents herein based upon the representations of the petitioner dated 04.09.2020 and 03.10.2020 to disburse the medical expenses incurred by the petitioner for sum of Rs.46,566/- as medical reimbursement pursuant to the order of the 3rd respondent in Na.Ka.Uu. 2/19090/2018 dated 19.08.2019.

**Prayer in WP(MD) . 17667/ 2020 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate writ, order or direction in the nature a writ of certiorarified mandamus or any other appropriate writ, order or direction in the nature of a writ calling for the records relating to the impugned proceedings issued by the 2nd respondent Insurance Company dated 08.10.2020 and the consequential proceeding of the 3rd respondent Treasury Officer in RC.No.21977/2015-2019(42)/L2 dated 05.11.2020 in so far as rejecting the claim of petitioner is concerned alone, Quash the same and further Direct the respondents herein to disburse forthwith a sum of Rs.1,25,471.50/- to the petitioner towards the medical claim from the Tamil Nadu Government Pensioners Health Fund Scheme for the treatment given to her husband.

|                 |                                                                                     |
|-----------------|-------------------------------------------------------------------------------------|
| For Appellant   | : Mr.A.Shajahan (in all W.As)                                                       |
| For Respondents | : Mr.A.K.Manikkam,<br>Standing Counsel for Government<br>for R2 to R5 (in all W.As) |



**COMMON JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.A.Shajahan, learned counsel appearing for the appellant and Mr.A.K.Manikkam, learned Government Counsel appearing for the official respondents.

2. These appeals have been filed by the United India Insurance Company Limited, challenging a common order dated 16.12.2020 passed in W.P.(MD) Nos.16344, 23377 of 2019 and W.P.(MD) Nos.13965,17667 of 2020.

3. The learned counsel appearing for the appellant-Insurance Company submitted that the learned Writ Court in the impugned order has directed the entire claim amount, as ordered by the District Level Empowerment Committee to be paid and wherever the applications were still pending before the District Level Empowerment Committee, a direction was issued to dispose of the same and in certain other cases, the impugned orders were set side and the matters were remand back to the District Level Empowerment Committee/State Level Empowerment Committee, to reconsider its orders and to pass orders on the following:

*"(a) the claimants/petitioners entitlement for reimbursement of medical expenses under the applicable New Health Insurance Scheme from the Insurance Company.*

*(b) the claimants/petitioners entitlement under the Tamil Nadu Medical Attendance Rules.*

*(c) fix the time to make payment to the claimants/petitioners under the clause (a) & (b), above"*

4. The learned counsel appearing for the appellant, on instructions, submitted that the appellant-Insurance Company is ready and willing to approach the State Level Empowerment Committee, questioning the correctness of the decision of the District Level Empowerment Committee.

5. Accordingly, these **Writ Appeals are disposed of** by giving liberty to the appellant-Insurance Company to approach the State Level Empowerment Committee and agitate all grounds, which they may be advised to raise before it. No costs. Consequently, connected miscellaneous petitions are closed.

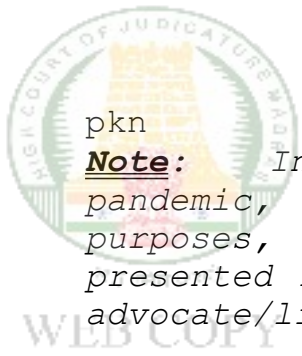
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



pkn

**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 to Government,  
Family Welfare and Health Department,  
Government of Tamil Nadu,  
Fort St.George,  
Chennai - 600 009.
2. The Director of Pension,  
259, Anna Salai, 3rd Block,  
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3. The District Collector,  
Thanjavur District,  
Thanjavur.
4. The District Treasury Officer,  
Court Road, Thanjavur District, Thanjavur.
5. State Level Empowerment Committee,  
Rep by its Commissioner and Rural Health  
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DMS Compound, Chennai - 600 005.
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8. The Joint Commissioner (S.T),  
C.T.Buildings, Reserve Line Road,  
Palayamkottai, Tirunelveli.
9. The District Collector,  
Tirunelveli, Tirunelveli District.
10. The Secretary,  
Department of Health,  
St.George Fort, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



11. The Secretary,  
Department of Finance,  
St.George Fort, Chennai.
12. The District Collector,  
Karur District, Karur.
13. The District Treasury Officer,  
Karur District, Karur.
14. The Project Officer,  
Child Welfare Scheme,  
Karur District, Karur.
15. The Commissioner of Treasuries  
and Accounts,  
Integrated Office complex for Finance  
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3rd floor, Veterinary Hospitals Campus,  
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16. The Treasury Officer,  
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17. The Joint Director of Medical and  
Rural Health Services,  
Kanyakumari District,  
Kanyakumari 629 001.
18. The District Collector cum Chairman,  
District Empowered Committee,  
Tamilnadu New Health Insurance Scheme,  
Nagercoil, Kanyakumari District.

+4 CC to M/s.A.SHAJAHAN, Advocate ( SR-24098[F],24095,24096,24097  
dated 28/07/2021 )

+1 CC to M/s.SPL GP ( SR-24425[F] dated 29/07/2021 )

W.A. (MD)Nos.1468 to 1471 of 2021  
28.07.2021

ES (CO)  
KB(04.08.2021) 7P 24C