



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No. 14383 of 2021

Arumugam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Manager,
United India Insurance Company Ltd,
Head Office,
24, Whites Road,
Chennai - 600 014.

3.The Joint Director of Health and Rural Services,
Veterinary Hospital Campus,
Sripuram,
Tirunelveli,
Tirunelveli - 627 001.

4.The Assistant Director,
Veterinary Hospital Campus,
Sripuram,
Tirunelveli,
Tirunelveli - 627 001.

... Respondents

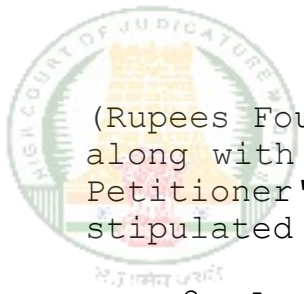
PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of ***Writ of Mandamus***, directing the Respondents to reimburse the medical expenses incurred by the petitioner for a sum of Rs.4,99,449/- (Rupees Four Lakhs Ninety Nine Thousand Four Hundred and Forty Nine Only) along with interest at the rate of 12% per annum by considering the Petitioner's representation dated 05.06.2017 and 12.03.2021 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.S.Shanmugavel,
Standing Counsel for R1,R3 & R4.

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the Respondents to reimburse the medical expenses incurred by the petitioner for a sum of Rs.4,99,449/-



(Rupees Four Lakhs Ninety Nine Thousand Four Hundred and Forty Nine) along with interest at the rate of 12% per annum by considering the Petitioner's representation dated 05.06.2017 and 12.03.2021 within a stipulated time.

2. According to the writ petitioner, he retired as Veterinary Inspector Grade-I on 28.02.2020 and he has availed the New Health Insurance Scheme as announced by the State. The petitioner suffered a heart pain and he was hospitalised at Amrita Institute of Medical Sciences and Research Centre, Kochi, Kerala on 27.12.2016. The surgery was also conducted by the above said hospital at his own expenses and again he was admitted in the same hospital till 09.01.2017 and he has spent a sum of Rs.4,99,449/- for surgery and other medical expenses.

3. The petitioner submitted his application along with all other medical bills to the second respondent office for claiming the surgery cost and medical expenses. The said surgery was undertaken while he was in service. The writ petitioner received only Rs.30,000/- as medical insurance amount under the Government Employees Insurance Scheme for the treatment taken in Sheeba Hospital, Tirunelveli in the year 2016. Thereafter, the petitioner made applications for claiming medical reimbursement for a sum of Rs.4,99,449/-, however, the same are still pending. The petitioner was informed that he had taken treatment in a non-network hospital. Therefore the petitioner's representations have not been considered by the respondent. Hence, he has filed the Writ Petition before this Court.

4. The writ petitioner has also stated that the said issue has already been decided in the case of ***S. Marimuthu vs. The Government of Tamil Nadu, represented by its Secretary, in W.P. (MD) .No.13429 of 2013 and dated 28.05.2019.*** The relevant paragraphs of the order are extracted hereinbelow:

80. In order to reconsider all these claim made by the respective writ petitioners for medical reimbursement, by remitting the matters back, the following directions are issued:

(i) All the impugned orders in the respective writ petitions in this batch of cases, are hereby quashed.

(ii) The writ petitions where impugned orders are quashed as well as the writ petitions where mandamus sought for, are hereby remanded with directions to the concerned District Level Empowered Committee, before whom, these matters shall be placed and the Committee shall reconsider every individual case.



(iii) While reconsidering, the Committee shall not reject any claim merely on the reason of non network hospital or non listed disease."

This judgment was followed by this Court in the case of **P. Muthu vs The District Collector in WP (MD).No16941 of 2019 dated 31.07.2019.**

5. When the matter came up for admission before this Court, the Government Pleader took notice for the respondents and the matter was posted today under the caption 'for orders'. Today, there was no instructions from the department.

6. In view of the aforesaid judgments cited supra, this court is inclined to pass the order as follows:

The third respondent, the Joint Director of Health and Rural Services shall forward the petitioner's applications dated 05.06.2017 and 12.03.2021 to the first respondent within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the first respondent is directed to consider the said representations of the petitioner on its own merits and in accordance with law in the light of the judgments cited supra and pass orders as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (W)

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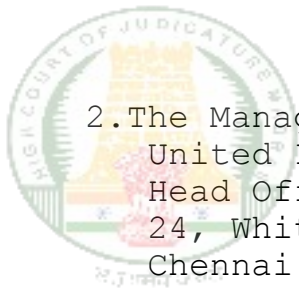
Sub Assistant Registrar(CS)

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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

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Tirunelveli District,
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WEB COPY

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Tirunelveli - 627 001.

+1 CC to M/s.GP (SR-27762[F] dated 01/09/2021)

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-27788[F] dated 01/09/2021)

W.P. (MD) .No.14383 of 2021
31.08.2021

RK (01.10.2021) 4P 7C