



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No. 5556 of 2018

and

WMP (MD) No.5451 of 2018

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S. Gabriel Charles
S/o. J. Sundarraaj,
Tahsildar/Assistant Manager (Retail and Vending),
TASMAC,
Pudukottai,
Pudukottai District. .. Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The United India Insurance Company Ltd.,
Represented by its Branch Manager,
5th Floor, No.212, Anna Salai,
Chennai.

3.The Joint Director,
Health and Rural Welfare Department,
Pudukottai.

4.The Tahsildar,
Ponnamaravathi Taluk,
Pudukottai District.

5.The Special Tahsildar-Civil Supplies,
Aranthangi Taluk,
Pudukottai District.

6.Vadamalayan Hospital P.Ltd.,
9A, Vallabai Road,
Chokkikulam,
Madurai -2.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the second respondent to reimburse the medical expenses incurred on 21.10.2014, to a sum of Rs.51,176.50 and 29.08.2015, to a sum of Rs.87,334.50 for removal of right and left ovary causing torsion of ovarian cyst for his wife Mrs.Lourdhu Arockia Selvi with interest and pass orders.



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For Petitioner	: Mr. K.R. Laxman
For Respondents	: Mr. K.S. Selvaganesan Counsel for State R1, R3 to R5 R2- No appearance Ms. Sushmitha for M/s. D. Nallathambi for R6

ORDER

Heard Mr. K.R. Laxman, learned counsel for the petitioner, Mr.K.S.Selvaganesan, learned Standing Counsel for State for R1, R3 to R5 and Ms.D. Ms. Sushmitha for R6.

2. The contesting respondent is United India Insurance Company Ltd./R2, which has been served and whose name is printed in the cause list. However, they are unrepresented.

3. The petitioner has sought a mandamus directing the United India Insurance Company Ltd. to reimburse medical expenditure incurred on 21.10.2014 in a sum of Rs.51,176.50 and on 29.08.2015 in a sum of Rs.87,334.50 for surgery conducted on his wife. He seeks reimbursement of the expenditure with interest on account of the long pendency of the claim before R2.

4. The compilation of the documents, accompanying the writ petition, would reveal various communications as between the parties, ultimately concluding with a representation filed on 24.11.2017 before the Treasury Officer of R2 company. The representation refers to various enclosures such as hospital bills, cash receipts, original discharge summary, investigation reports and the NHIS ID card.

5. The claim of the petitioner for insurance does not appear to be disputed insofar as the claim has itself been recommended by the Joint Director of Medical and Rural Health Services I/C, Pudukottai in letter No.2839 dated 22.04.2015. Thereafter, on 14.07.2015 under proceedings in Na.Ka.No. 9324/2015/M5 and Na.Ka.No. 962/16 dated 09.10.2017, both claims of the petitioner have been recommended for settlement. A direction is thus issued to R2 to pay over the amounts as recommended by the authorities within a period of four weeks from today.

6. As regards interest, recommendations of the recommending authorities have been made on 14.07.2015 and 09.10.2017 respectively and should have been settled within a reasonable time frame, that is, 30 days from the date of receipt of the recommendation. Insofar as there has been inordinate delay and absolutely no justification provided therefor, R2 is directed to pay interest on the amounts recommended from the elapse of 30 days from date of recommendation till date of settlement of claim at the rate of 6



percent per annum. Writ petition is allowed as above.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /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,
Pudukottai District,
Pudukottai.
- 2.The Branch Manager,
The United India Insurance Company Ltd.,
5th Floor, No.212, Anna Salai,
Chennai.
- 3.The Joint Director,
Health and Rural Welfare Department,
Pudukottai.
- 4.The Tahsildar,
Ponnamaravathi Taluk,
Pudukottai District.
- 5.The Special Tahsildar-Civil Supplies,
Aranthangi Taluk,
Pudukottai District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-34326[F] dated 12/11/2021)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-34314[F] dated 12/11/2021)

+1 CC to M/s.SPL.GP (SR-34291[F] dated 12/11/2021)

W.P. (MD)No.5556 of 2018

11.11.2021

SVN(CO)

GC/SKN(22.11.2021) 3P 9C

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