



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

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THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P.(MD)No.19811 of 2020
and
W.M.P.(MD)No.16504 of 2020

V.Sankar

: Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by the Secretary to Government,
Finance Department, Secretariat, Chennai-9.
2. The Additional Chief Secretary to Government,
High Level Empowered Committee,
Finance Department, Fort St.George,
Secretariat, Chennai-9.
3. The Joint Director of Medical and Rural
Health Service / Member Secretary,
District Level Empowered Committee,
DMS Compound, Chennai - 600 006.
4. The General Manager,
MDIndia Health Insurance TPA Private Limited,
Chennai - 600 018.
5. The General Manager,
United India Insurance Company Limited,
Chennai - 600 006.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 24.01.2020 passed by the respondent No.4 and quash the same as illegal and consequently to direct the respondents to provide the medical reimbursement of Rs.6,35,000/ to the petitioner under the Tamil Nadu Government New Health Insurance Scheme 2016, Pensioners/Family Pensioners within a time frame that may be stipulated by this Court.



For Petitioner
For R1 to R3
For R4
For R5

:Mr.R.Venkatesan
:Mr.P.Mahendran
Additional Government Pleader
:No Appearance
:Mr.A.Shajahan

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ORDER

The petitioner herein is aggrieved against the impugned order rejecting his claim of medical reimbursement for the expenses incurred in treating his father, who had suffered burn injuries. According to the claim, on 29.12.2019, the petitioner's father sustained burn injuries and was admitted at Government Hospital, Tiruchirappalli and thereafter, at Q Med Hospital, Tiruchirappalli. Thereafter, the petitioner's father was further subjected to medical treatment at Q Med Hospital from 08.01.2020 to 07.02.2020. The petitioner claims a sum of Rs.6,35,000/- towards medical reimbursement. The petitioner's request came to be rejected on the ground that the burn injuries sustained by the petitioner's father are owing to his attempt to commit suicide. According to the respondents, self inflicted burn injuries is not covered under the health insurance claim and therefore, the petitioner is not entitled for the claim.

2.A Honourable Division Bench of this Court in the case of **Star Health and Allied Insurance Company Limited vs. A.Chokkar and another**, reported in **2010 (2) LW 90** had held that whenever a claimant is unable to take treatment in the Network Hospitals or the medical procedure conducted on him is not covered by the scheme, the District Level Empowered Committee (DLEC) constituted under the Tamil Nadu Medical Attendance Rules should consider the claim for reimbursement. Following the decision of the Hon'ble Division Bench in Star Health Insurance's case, a batch of Writ Petitions have been entertained by this Court and by rejecting the claim of the Insurance Company/Government, had held that the reimbursement cannot be rejected on the ground of Non Network hospitals/Non Listed allotment or procedure.

3.However, in the present case, the petitioner herein had not approached the DLEC, but had straightaway challenged the rejection order in this Writ Petition. In view of the aforementioned legal position, it would be appropriate to grant liberty to the petitioner to approach the District Level Empowered Committee, seeking for reimbursement.

4.Accordingly, the petitioner is hereby granted liberty to approach the concerned District Level Empowered Committee seeking for medical reimbursement of the expenses incurred by him for treatment of her father's injuries, within a period of thirty days from the date of receipt of a copy of this order. It is made clear



that this Court has not expressed any of its views with regard to the petitioner's entitlement for his claim.

5. With the above liberty, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Finance Department, Secretariat, Chennai-9.
2. The Additional Chief Secretary to Government,
High Level Empowered Committee,
Finance Department, Fort St. George,
Secretariat, Chennai-9.
3. The Joint Director of Medical and Rural
Health Service / Member Secretary,
District Level Empowered Committee,
DMS Compound, Chennai - 600 006.

+1 CC to Mr.A.SHAJAHAN, Advocate (SR-10618[F] dated 12/03/2021)

+1 CC to Mr.R.VENKATESAN, Advocate (SR-10440[F] dated 11/03/2021)

+1 CC to SPL GP (SR-10594[F] dated 11/03/2021)

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VB (07.04.2021) 3P 7C