



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20607 of 2021

V.Palraj

...Petitioner

Vs.

1.The District Collector,
(The Chairman of Authorized Committee),
Madurai District,
Madurai - 625 006.

2.The Principal Secretary/Commissioner,
Treasury Department,
Chennai - 15.

3.The Joint Director,
Health Department,
Madurai District,
Office at, Usilampatti - 625 532.

4.The Assistant Manager,
United India Insurance Company,
5th Floor, 212, Ratna Tower,
Anna Salai,
Chennai - 600 006.

5.The Organizer,
United India Insurance Company,
Madurai - 625 001.

6.The Assistant Manager,
Labour Welfare Department,
Madurai Division,
Tamil Nadu State Transport Corporation,
(TNSTC) Ltd,
Madurai - 625 010.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 to 6 to sanction and to disburse the



medical expenditures Rs.2,00,148/- to the petitioner under the Government of Tamil Nadu New Medical Insurance Scheme, 2012, by implementing the order passed by the first respondent, dated 06.01.2021 in Na.Ka.No.E5/51096/2016, within a stipulated period as framed by this Court.

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For Petitioner : Mr.P.Balamurugan
For R1 to R3 &R6 : Mr.S.Shaji Bino
Special Government Pleader
For R4 & R5 : Mr. Shajahan

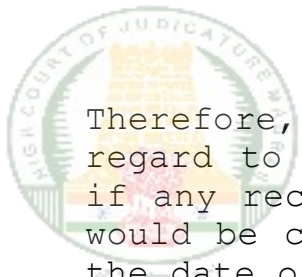
O R D E R

This writ petition is filed for reimbursement of medical expenses incurred by the petitioner for taking treatment for COVID 19.

2.The case of the petitioner is that he is working as Checking Inspector under Tamil Nadu State Transport Corporation and he paid monthly subscription for the Government of Tamil Nadu, New Health Insurance Scheme, 2012 regularly, through the Department. The petitioner suffered with COVID -19 in the month of July, 2020 and he took treatment at Saravana Multi Speciality Hospital, Narimedu, Madurai, for the period from 25.07.2020 to 30.07.2020. During the course of treatment, he incurred medical expenses for a sum of Rs.2,00,148/-. In order to claim the same, he submitted an application with all relevant records along with medical bills to the first respondent, as per the circular, dated 30.07.2020, in Tho Na Thu/2/920, issued by the sixth respondent. The first respondent issued confirmation order in Na.Ka.No.E5/51096/2016, dated 06.01.2021 in favour of 29 claimants, including the petitioner herein. Since the respondent did not disburse the petitioner's medical expenses, he made representation on 02.11.2021. Even then, the same has not been considered so far and hence, this petition.

3.It is seen that the petitioner has made a request to the District level Empower Committee, headed by the District Collector and the Committee, being satisfied with the claims made, recommended for disbursement of medical expenses vide its proceedings in Na.Ka.No.E5/51096/2016 dated 06.01.2021.

4.The learned counsel appearing for the fourth respondent submits that certain guidelines have been prescribed for disbursement of medical claim insofar as COVID 19 is concerned, vide G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020 and as per the guidelines, the competent authority is the Commissioner of Treasury Department/second respondent herein.



Therefore, the second respondent has to take a decision with regard to the claim of the petitioner. He further submitted that if any recommendation is sent through the competent authority, it would be considered positively within a period of four weeks from the date of recommendation from the Committee.

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5.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

6.Admittedly, the Government has issued certain guidelines G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020, as follows:-

"iv) Payments to non-empanelled Hospitals:- United India Insurance Company Limited shall make payments as per the above rates as per para 4 (I) for critical care for COVID positive cases even in non-empanelled hospitals, as these treatments will come under the Emergency clause of the New Health Insurance Scheme, after getting orders from the District Level Empowered committee on appeal cases. With respect to non-critical care, Government employees and pensioners shall restrict their treatments to empanelled hospitals for the benefit of patient welfare.

v)...

vi) Government Employees/Pensioners, who have already taken treatment for Non-critical COVID care in empanelled Hospitals from 01.03.2020 to till date are directed to submit their claims for reimbursements by appealing to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall recommend to the United India Insurance Company Limited to reimburse the payment from the Corpus fund provided by the Government."

7.In view of the above position and since the first respondent/ District Collector has already made a recommendation, he shall forward the claim of the petitioner along with all relevant documents to the second respondent/the Commissioner, Treasury Department, who is the competent authority as per the Government order in G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020, within a period of two weeks from the date of receipt of a copy of this order. On receipt of papers from the first respondent, the second respondent shall take a decision on the claim of the petitioner, within a period of six weeks thereon, and make a recommendation to the fourth respondent, if the petitioner is eligible. On receipt of such recommendation, the fourth respondent shall disburse the amount to the petitioner within a further period of four weeks thereon.



8. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

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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

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(TNSTC), Ltd, Madurai - 625 010.



+1 CC to M/s.A.SHAJAHAN, Advocate (SR-36803[F] dated 01/12/2021)

+1 CC to M/s.SPL GP (SR-36992[F] dated 02/12/2021)

+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-37343[F] dated
03/12/2021)

W.P(MD) No.20607 of 2021
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RK(30/12/2021) 5P 10C