



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.21984 and 21985 of 2021

W.P. (MD)No.21984 of 2021

K.P.Radha

... Petitioner

versus

1. State of Tamil Nadu,
Rep. by its Additional Chief Secretary
to Government,
Department of Finance,
Fort St. George, Chennai - 9.

2. The Commissioner of Treasuries
and Accounts / Joint Director,
Department of Treasuries and Accounts,
3rd Floor, Veterinary Hospital Campus,
No.571, Anna Salai, Nandanam,
Chennai - 600 035.

3. The District Level Empowered Committee,
Rep. by the District Collector,
Pudukkottai District.

4. The Senior Divisional Manager,
United India Insurance Company,
Divisional Office VI,
5th Floor, PLA Rathna Tower,
212, Anna Salai, Chennai - 6.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of writ of mandamus, to direct the respondents to provide medical reimbursement to the tune of Rs.4,90,797/- (Rupees Four Lakh Ninety Thousand and Seven Hundred and Ninety Seven only) to the petitioner with interest at the rate of 12% p.a. for the delayed payment in the light of the Judgment of the Hon'ble Supreme Court in Shiva Kant vs. Union of India reported in AIR 2018 SC 1975 and the Judgment of the Hon'ble Madurai Bench of Madras High Court in W.P.(MD)No.13429 of 2013 dated 28.05.2019, within the time stipulated by this Court.

W.P. (MD)No.21985 of 2021

A.Palaniraj

... Petitioner

versus

1. The Additional Chief Secretary to Government,
Department of Finance,

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



Fort St. George,
Chennai - 9.

2. The District Level Empowered Committee,
Rep. by the District Collector,
Virudhunagar District.

3. The Joint Director of Medical and Rural
Health Services,
Virudhunagar District.

4. The Sub Treasury Officer,
Sub Treasury Office,
Srivilliputhur,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of writ of mandamus, to direct the respondents to provide medical reimbursement to the tune of Rs.8,59,595/- (Rupees Eight Lakh Fifty Nine Thousand and Five Hundred and Ninety Five only) to the petitioner with interest at the rate of 12% p.a. for the delayed payment in the light of the Judgment of the Hon'ble Supreme Court in Shiva Kant vs. Union of India reported in AIR 2018 SC 1975 and the Judgment of the Hon'ble Madurai Bench of Madras High Court in W.P.(MD)No.13429 of 2013 dated 28.05.2019, within the time stipulated by this Court.

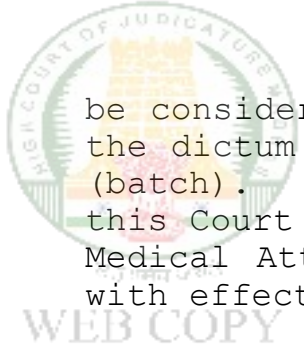
For Petitioner	:	Mr.Ashwin Rajasimman
in both W.Ps.		
For Respondents	:	Mr.P.T.Thiraviam,
in both W.Ps.		Government Advocate

COMMON ORDER

These writ petitions have been filed for a Mandamus, directing the respondents to reimburse the medical expenses incurred by the petitioners.

2. The petitioner in W.P.(MD)Nos.21984 and 21985 of 2021 is working as Associate Professor at Standard Fireworks Rajarathinam College for Women and the petitioner in W.P.(MD)No.21985 of 2021 is a retired District Forest Officer. The case of the petitioners is that though they have taken treatment for certain ailments, the medical insurance amount has not been paid to them on the ground that the hospitals, where they were taking treatment, are non-network hospitals as per the Medical Insurance Scheme.

3. The learned counsel for the petitioners submits that if the petitioners are not entitled for reimbursement of medical expenses under the Medical Insurance Scheme and though the petitioners took treatment in the non-network hospitals, the petitioners' case must



be considered under the Tamil Nadu Medical Attendance Rules, as per the dictum laid down by this Court in W.P.(MD)No.13429 of 2013 etc. (batch). He further submits that pursuant to the order passed by this Court in W.P.(MD)No.13429 of 2013, etc. (batch), the Tamil Nadu Medical Attendance Rules are also amended and rate is also revised with effect from 09.09.2021.

4. Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the respondents, submits that the petitioners' applications for medical reimbursement under the Medical Insurance Scheme is under consideration of the third respondent, namely, the District Level Empowered Committee, headed by the District Collector and orders would be passed on the said applications within a period of two months.

5. The medical insurance scheme is operated on contract basis and this Court, in W.P.(MD)No.13429 of 2013, etc. (batch), has elaborately discussed the same and passed the orders, vide order dated 28.05.2019, which reads as follows:

"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.

(iv) The Committee, wherever possible, shall give suitable direction to the Insurance Company to reimburse the claim made by the respective claimant / employee / pensioner.

(v) If the Committee finds some cases where the Insurance Company cannot be directed to reimburse, in those cases, suitable orders shall be passed directing / recommending the State authorities to reimburse the claim under Medical Attendance Rules.

(vi) Once such orders are passed, the Insurance Company shall immediately reimburse the medical claim with 6% interest from the date of due till date of payment, within a period of thirty days from the date of receipt of such order to be passed by the Empowered Committee of the District concerned.



(vii) On receipt of such orders/ recommendation from the Empowered Committee, the Sanctioning authority / State authority / High Power Committee in the State Level shall pass necessary orders allowing the medical reimbursement claimed by the individual claimant / employee / pensioner under the Medical Attendance Rules.

(viii) While ordering medical reimbursement under Medical Attendance Rules, the rate approved, accepted or quoted by the Insurance Company under the Medical Insurance Scheme shall be taken as the rate and by calculating the reimbursement on the said rate, the reimbursement claim shall be immediately sanctioned and the amount shall be reimbursed to the claimant with 6% interest from the date of due till date of payment, within a period of thirty days from the receipt of the recommendation / order from the District Empowered Committee. With these directions, all these writ petitions are ordered to the terms indicated above. Consequently, connected miscellaneous petitions are closed. However there shall be no order of costs.

6. As per the Medical Insurance Scheme, the District Level Empowered Committee is competent to take a decision for payment of medical insurance amount and in case, the District Level Empowered Committee comes to a conclusion that the petitioners are not entitled for reimbursement of medical expenses under the medical insurance scheme, then, the petitioners are entitled for the same, as per the Tamil Nadu Medical Attendance Rules.

7. In view of the above, the District Level Empowered Committee, headed by the District Collector, Pudukottai and Virudhunagar District, shall take a decision on the applications made by the petitioners and disburse the medical insurance amount with interest as directed by this Court in W.P.(MD)No.13429 of 2013, etc. (batch), within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, both the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Additional Chief Secretary
to Government,
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and Accounts / Joint Director,
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7. The Sub Treasury Officer,
Sub Treasury Office,
Srivilliputhur, Virudhunagar District.

+1 CC to M/s.SPL GP (SR-38318[F] dated 13/12/2021)

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-38507[F],38508 dated
14/12/2021)

W.P(MD)Nos.21984 and 21985 of 2021
10.12.2021

NSN(CO)
KB(12.01.2022) 5P 11C