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W.P. No.19899 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19899 of 2015

and

M.P.No.1 of 2015

Arokiyam

... Petitioner

Vs

1.United India Insurance Co Ltd,
Rep by its Divisional Manager,
Division Office VI,
5th Floor, P.L.A. Rathna Towers,
No.212, Anna Salai,
Chennai – 600 006.

2.The Principal Secretary,
Finance Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.

... Respondents

(R2 suo-motu impleaded vide order dated 21.07.2020
made in W.P.No.19899 of 2015 by PSNJ)

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for entire records relating to the order dated 19.06.2015 of the respondent and quash the same and direct the respondent to reimburse the amount spent by the petitioner for treatment taken by the petitioner's wife.



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For Petitioner : Mr.C.Veeraraghavan
For Respondents :Mr.P.Sankaranarayanan
for R1
No Appearance for R2

ORDER

This petition has been filed for a certiorarified mandamus to call for entire records relating to the order dated 19.06.2015 of the respondent and quash the same and to direct the respondent to reimburse the amount spent by the petitioner for treatment taken by the petitioner's wife.

2.The issue has been considered recently by the learned Single Judge of the Hon'ble Madurai Bench of this Court in the case of **S.Marimuthu Vs. The Government of Tamil Nadu, Rep by its Secretary, Department of Health and Family Welfare, Fort St. George, Chennai and others** vide order dated 28.05.2019 in W.P.(MD).Nos.13429 of 2013 batch etc., after examining the decision rendered in the context of reimbursement of expenses incurred by the employees/retired employees in a non-network hospital. Relevant portion of the order reads as under:-



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“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 case, 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 pleased 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 clam 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/recommendatio 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.



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(viii) While ordering medical reimbursement under Medical Attendance Rules, the rate approved, accepted or quotes 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."

3.The facts of the case indicates that the petitioner has taken treatment in a non-network hospital. It has been categorically stated that the Committee shall not reject any claim merely on the reason of non-network hospital or non listed disease.

4.Considering the above, the impugned order stands quashed and the matter is remitted back to the respondents in terms of the above said decision of the Hon'ble Madurai Bench of this Court vide order dated 28.05.2019, content of which has been extracted above. The authority concerned are directed to scrutinize the petitioner's application for reimbursement of expenses and sanction the same in accordance with the guidelines laid therein, within a period of three months from the date of receipt of a copy of this order.



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5. Accordingly, this writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

10.10.2022

Index: Yes/ No
Internet: Yes/No
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To

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C. SARAVANAN, J.

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