



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY
AND
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.NO.1498 OF 2022
AND
C.M.P.NO.9811 OF 2022

1. The State of Tamil Nadu Rep. by
The Additional Chief Secretary to Government,
Finance Department, Fort St. George,
Chennai - 9.
2. The Director of Medical and Rural
Health Services, DMS Compound,
No.359, Anna Salai, Teynampet,
Chennai - 6.
3. The District Collector of
Tirunelveli District/Chairman,
District Level Empowered Committee,
Tirunelveli.
4. The District Collector,
Tenkasi.
5. The Joint Director of Medical
and Rural Health Services,
Tirunelveli - 627 009.
6. The Treasury Officer,
District Treasury,
Tirunelveli.
7. The Assistant Treasury Officer,
Sub Treasury,
Tenkasi.

... Appellants

.Vs.

1. M.Mallika



2. The Senior Divisional Manager,
United India Insurance Company
Limited, Divisional Office VI,
PLA Rathna Towers, 5th Floor,
No.212, Anna Salai,
Chennai - 6.

... Respondents

PRAYER:-

Appeal filed under Clause 15 of the Letters Patent against the order dated 14.09.2021 in W.P.No.19284 of 2021.

PRAYER IN W.P.NO.19284 OF 2021:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay a sum of Rs.3,25,980/- towards reimbursement of the balance amount of medical expenses incurred by the petitioner with interest at the rate of 12% per annum.

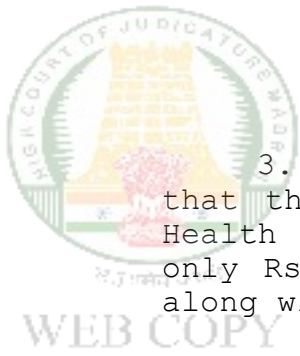
For Appellants : Mr.Abishek Moorthy
Government Advocate

JUDGMENT

(Delivered by J.SATHYA NARAYANA PRASAD, J.)

This writ appeal is directed against the order of learned single Judge dated 14.09.2021 made in W.P.No.19284 of 2021, whereby the appellants herein were directed to consider the representation of the writ petitioner positively and release the balance amount of Rs.3,25,980/- within a period of six weeks from the date of receipt of a copy of the order.

2. The first respondent/writ petitioner has undergone certain medical procedures in connection with the treatment for cancer and incurred the medical expenses of Rs.5,25,980/-. The writ petitioner made a representation dated 07.06.2021 seeking reimbursement. Since no action was taken on the said representation, the writ petitioner filed a writ petition in W.P.No.12121 of 2020 and pending disposal of the said writ petition, the appellants released a sum of Rs.2 lakhs to the writ petitioner under the Tamil Nadu Medical Attendance Rules. Seeking reimbursement of the balance amount of Rs.3,25,980/-, the writ petitioner filed W.P.No.19284 of 2021 and the same was disposed of by directing the appellants to release the balance amount.



3. Learned Government Advocate for the appellants submitted that the order of the learned single Judge is against the New Health Insurance Scheme wherein the maximum eligible amount is only Rs.2 lakhs, which was already paid to the writ petitioner along with interest.

4. Though the maximum eligible limit for the medical assistance provided under the New Health Insurance Scheme, 2014 is Rs.2 lakhs, in the present case, the treatment undergone by the first respondent/ writ petitioner is not a common one and it is a rare treatment for cancer, for which, she has incurred a total sum of Rs.5,25,980/-. Learned single Judge, relying on the decision of the Apex Court in Shiva Kant Jha vs. Union of India (2018 (5) SCALE 551), directed the appellants herein to disburse the balance amount.

5. The learned single Judge has passed the order based on the ratio laid down by the Apex Court in the above judgment. Hence we are not inclined to interfere with the order passed by the learned single Judge. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Secretary,
The Government of Tamil Nadu,
Finance Department,
Fort St. George,
Chennai - 9.
2. The Director of Medical and Rural
Health Services, DMS Compound,
No.359, Anna Salai,
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8. The Senior Divisional Manager,
The United India Insurance
Company Limited,
Divisional Office VI,
PLA Rathna Towers, 5th Floor,
No.212, Anna Salai,
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+1cc to the Government Pleader, S.R.No.42552 (05/07/2022)

W.A.NO.1498 OF 2022

JPL (CO)
PBS/04/07/2022