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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. NO. 10919 OF 2019

M.Shankar

... Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Finance (Salaries) Department,
Secretariat,
Chennai - 600 009.
2. The Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Rep. by its Chairman cum Managing Director,
Anna Salai,
Chennai - 600 002.
- 3 The Superintendent Engineer,
Mettur Electricity Distribution Circle,
TANGEDCO,
Mettur Dam - 1.
4. The Executive Engineer,
O & M - TANGEDCO,
Mettur Dam - 636 401,
Salem District.
5. United India Insurance Co. Ltd.,
Rep. by its Divisional Manager,
New Health Insurance Scheme - 2012,
Divisional Office VI,
Anna Salai,
Chennai - 600 006.

... Respondents

Prayer:-

Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second to Fifth Respondent to reimburse the medical expenses



incurred by the Petitioner for the illness (Urinal Problem - Bilateral Renal Calculi Right Upper Ureteric Calculus) sum of Rs. 64,067/- along with interest within the time stipulated by this Court based on the application dated 23.08.2018.

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For Petitioner :Mr. M.R.Jothimanian

For Respondents:Mr. Vadivelu Deenadayalan,
Additional Government Pleader (for R1)

Mr. P.Subramanian (for R2 to R4)

Mr. T.Shanmugam (for R5)

O R D E R

Heard Mr. M.R.Jothimanian, Learned Counsel for the Petitioner, Mr. Vadivelu Deenadayalan, Learned Additional Government Pleader appearing for the First Respondent, Mr. P.Subramanian, Learned Counsel for the Second to Fourth Respondents and Mr. T.Shanmugam, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is working as Assistant Engineer in the services of the Second to Fourth Respondents, has availed the benefits of the New Health Insurance Scheme, 2016 of the Government of Tamil Nadu in G.O. Ms.No. 202, Finance (Salaries) Department dated 30.06.2016 by making periodical contributions towards insurance premia from his salary. It is the case of the Petitioner that he had undergone laser treatment for urinal (bilateral renal calculi right upper ureteric calculus surgery) at Vedanayagam Hospital, Coimbatore from 02.08.2016 to 04.08.2016 and had incurred medical expenses of Rs. 64,067/- in that regard. The Petitioner had made a claim for reimbursement of the medical expenses incurred in that regard to the Fifth Respondent, which is the Insurance Company to grant the benefits under the New Health Insurance Scheme, 2016, and as there was no response for the same, the Petitioner has filed this Writ Petition seeking direction to the Respondents to make payment of the said sum of Rs. 64,067/- towards reimbursement of medical expenses with interest from the date of making the claim till actual payment.

3. When the matter is taken up for hearing today, Learned Counsel appearing for the Second to Fourth Respondents has produced a copy of the Letter in Ka. No. 872/873/874/NiPi/NiU1/Ko.Maruthuva_Selavu/2022 dated 28.04.2022 from the Fourth Respondent forwarding the claim of the



Petitioner for reimbursement of the medical expenses to the Fifth Respondent. Learned Counsel for the Fifth Respondent, on instructions, states that the same would be duly considered and necessary further action would be taken in accordance with law.

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4. In view of the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) it shall be incumbent upon the Fifth Respondent to immediately examine the claim for medical reimbursement made by the Petitioner under the New Health Insurance Scheme, 2016 in G.O. Ms. No. 202, Finance (Salaries) Department dated 30.06.2016 of the Government of Tamil Nadu;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the actual amount claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements thereafter, an enquiry shall be conducted affording opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iv) if the Petitioner is found entitled to the claim made, the eligible amount shall be disbursed within a period of 30 days from the date of passing of that order;
- (v) if the Petitioner still has any grievance to be redressed in the matter, he is nor precluded from working out his rights before the proper forum in the manner recognized by law; and
- (vi) the report of completion of the aforesaid exercise shall be filed by 31.07.2022 before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is ordered on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vjt



To

1. The Principal Secretary to Government of Tamil Nadu,
Finance (Salaries) Department,
Secretariat,
Chennai - 600 009.
2. The Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
Rep. by its Chairman cum Managing Director,
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Salem District.
5. The Divisional Manager,
United India Insurance Co. Ltd.,
New Health Insurance Scheme - 2012,
Divisional Office VI,
Anna Salai,
Chennai - 600 006.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.29894
+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.30388
+1cc to the Government Pleader, S.R.No.30707

W.P. No. 10919 of 2019

RGN(CO)
PM/26/05/2022