



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

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

W.P. No. 22469 of 2018

P.Beniel

...Petitioner

-vs-

1. The Principal Secretary / Commissioner
of Treasuries & Accounts
Integrated Office Complex
Finance Department, III Floor
Nandanam, Anna Salai
Chennai - 600 015.

2. The District Collector /Chairman of
the District Level
Empowered Committee
Chennai.

3. The Divisional Engineer
United India Insurance Company Ltd.
Divisional Office VI
V Floor, PLA, Rathna Towers
212, Anna Salai
Chennai - 600 006.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Third Respondent insurance company dated 13.07.2018, quash the same and consequently direct the Respondents to reimburse the medical expenses to the tune of Rs.1,56,000/- (Rupees One Lakh Fifth Six Thousand Only) incurred by the Petitioner for having undergone the treatment in M.N. Orthopedic Hospital with interest @9% from the date on which the reimbursement of medical expenses fell due till date of realization.

For Petitioner : Ms. Suneetha

For Respondents: Mrs. C.Sangamithirai (For R1 & R2)
Special Government Pleader

Mr. T.Shanmugam (For R3)



O R D E R

Heard Ms. Suneetha, Learned Counsel for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents, Mr. T.Shanmugam, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2.The Petitioner, who is receiving pension on retirement from Government service, has availed the benefits of the New Health Insurance Scheme, 2014 for Pensioners of the Government of Tamil Nadu in G.O. Ms. No. 171, Finance (Pension) Department dated 26.06.2014 by making periodical contributions towards insurance premia from her pension. It is the case of the Petitioner that she had underwent ortho surgery at M.N.Orthopedic Hospital, Kilpauk, Chennai during August 2017 and incurred medical expenses of Rs. 1,56,000/- in that regard. When the Petitioner made a claim for reimbursement of the said medical expenses, the Third Respondent by proceedings dated 13.07.2018 informed her that her claim could not be considered as the treatment was taken at a non-network hospital. Aggrieved thereby, the Petitioner has challenged the said rejection of her claim for reimbursement of medical expenses and has sought for consequential direction to the Respondents to make payment of the said sum of Rs. 1,56,000/- towards reimbursement of medical expenses with interest at the rate of 9% per annum from the date of making the claim till actual payment.

3.This Court during the earlier hearing on 18.03.2022 had passed the following self-explanatory order:-

"2. It has been brought to notice that clause 5(b) of Annexure-I relating to implementation procedures for New Health Insurance Scheme, 2016 in G.O. Ms. No. 202, Finance (Salaries) Department dated 30.06.2016 issued by the Government of Tamil Nadu, provides as follows:-

"5(b) Claims relating to treatment/surgery included in the approved list undergone in non-network hospital consequent on accidents shall be covered under NHIS, 2016 and settlement made through a suitable mechanism."

In view of the same, the Third Respondent shall re-examine the claim of the Petitioner for medical reimbursement taking into consideration of the aforesaid provision and the Petitioner may be required in writing to furnish any further details under written acknowledgement. If the Petitioner is found entitled, the Third Respondent shall sanction the eligible amount to her and file a report in that



regard on the next hearing."

In furtherance to the said order passed by the Court, Learned Counsel for the Third Respondent, on instructions, states that an eligible sum of Rs. 81,984/- as against the bills produced for Rs. 1,56,000/- would be remitted into the bank account of the Petitioner by 10.05.2022 through electronic means and he has filed a memo dated 27.04.2022 to that effect with break-up details under various heads, which is placed on record.

4. In view of the aforesaid subsequent events, nothing remains for consideration in this Writ Petition, but if the Petitioner still has any grievance to be redressed, she is not precluded from working out her rights before the proper forum in the manner recognized by law.

5. In the result, the Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Maya

To

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of Treasuries & Accounts
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+lcc to the Government Pleader, S.R.No.29686

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AK(CO)
RGA(23/05/2022)