

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

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

W.P.NO.6172 OF 2016

M.Nachimuthu

... Petitioner

.Vs.

1. The Tamil Nadu State Transport Corporation (Salem) Ltd.,
Represented by its Managing Director,
Salem - 7.
2. The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office VI,
5th Floor, P.L.A. Rathna Towers,
21, Anna Salai,
Chennai - 600 006.
3. The Government of Tamil Nadu,
Represented by its Secretary,
Finance Department,
Fort St. George,
Chennai - 600 009.

... 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 entire records in respect of the proceedings of the Second Respondent dated 03.11.2015 and quash the same and consequently direct the Respondents to sanction the medical reimbursement of Rs. 5,49,183.40 the medical expenses incurred by the Petitioner for the medical treatment of his son Ravindran.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.R.Babu
(for R1)

Mr.P.Sankaranarayanan
(for R2)

Mr.P.Balathandayutham
Special Government Pleader
(for R3)

O R D E R

Heard Mr.V.Kannan, Learned Counsel for the Petitioner, Mr.R.Babu, Learned Counsel for the First Respondent, Mr.P.Sankaranarayanan, Learned Counsel for the Second Respondent and Mr.P.Balathandayutham, Learned Special Government Pleader appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is working as conductor in the services of the First Respondent, has availed benefits of the New Health Insurance Scheme, 2012 of the Government of Tamil Nadu in G.O.Ms.No.243, Finance (Salaries) Department dated 29.06.2012, which also covers his dependants, by making periodical contributions towards insurance premia from his salary. It is the case of the Petitioner that his son had underwent surgery for nephroureterectomy and bladder augmentation at G.Kuppusamy Naidu Memorial Hospital, Coimbatore for which he was admitted in that Hospital from 10.02.2013 to 26.02.2013 and the Petitioner had incurred medical expenses of Rs. 5,49,183.40 in that regard. However, the Second Respondent by order dated 03.11.2015 rejected it stating that the treatment had not been taken at an approved hospital for claiming such benefit, which is challenged in this Writ Petition.

3. It is borne out from the materials placed on record that during the period from 10.02.2013 to 26.02.2013 when the son of the Petitioner had undergone treatment, the said G.Kuppusamy Naidu Memorial Hospital, Coimbatore has been mentioned at Sl.No.46 in the list of approved hospitals in Annexure III to G.O.Ms.No.243, Finance (Salaries) Department dated 29.06.2012 issued by the Government of Tamil Nadu and subsequently, by another order in G.O. Rt. No. 680, Finance (Salaries) Department dated 29.07.2013 issued by the Government of Tamil Nadu, that hospital at Sl. No. 11 in Annexure IV has been removed from the list of approved hospitals. Since the said hospital had been included in the list of approved hospitals at the time when the treatment had taken place, the impugned order dated 03.11.2015 passed by the Second Respondent rejecting the claim of the Petitioner for medical reimbursement cannot be sustained.

4. In such circumstances, this Court passes following order:-

- (i) the impugned order dated 03.11.2015 passed by the Second Respondent is set aside;
- (ii) it shall be incumbent upon the concerned authorities of the Second Respondent to examine the claim made by the Petitioner for reimbursement of the medical expenses in terms of New Health Insurance Scheme, 2012 of the Government of Tamil Nadu in G.O.Ms.No.243, Finance (Salaries) Department dated 29.06.2012;
- (iii) if it is found that any details or supporting documents satisfying the eligibility criteria for the actual amount claimed has 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;
- (iv) 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 order shall be passed dealing with each of the contentions raised on merits and in accordance with law with details of any deductions made under various heads and the decision taken communicated under written acknowledgment;
- (v) 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 and if the Petitioner still has any other grievance to be redressed in the matter, he is not 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 30.09.2022 before the Registrar (Judicial) of this Court.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skr

To

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem - 7.
2. The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office VI,
5th Floor, P.L.A. Rathna Towers,
21, Anna Salai,
Chennai - 600 006.
3. The Secretary,
The Government of Tamil Nadu,
Finance Department,
Fort St. George,
Chennai - 600 009.

Copy To:-

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

+1cc to Mr.R.Babu, Advocate, S.R.No.42804
+1cc to the Government Pleader, S.R.No.42942

W.P.NO.6172 OF 2016

VBM(CO)
PBS/11/07/2022