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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

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

W.P.NO.17922 OF 2018

M.Somasundaram

... Petitioner

-vs-

1. The Director of Pension,  
Nandanam,  
Chennai - 600 035.
2. The Commissioner of Treasurer and Accounts,  
Nandanam,  
Chennai - 600 035.
3. The District Treasury Officer,  
Ariyalur,  
Trichy District.
4. The Manager,  
United India Insurance Co. Ltd.,  
No.27, Laxmi Towers,  
3<sup>rd</sup> Floor,  
Dr.Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.
5. Appollo Speciality Hospitals,  
Ariyamangalam,  
Trichy - 620 010.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Fourth Respondents to reimburse the medical expenses of Rs. 1,90,071/- paid by the Petitioner to the Apollo Hospital, Trichy with 9% interest from the date of remittance of the amount.



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For Petitioner : Mr.C.K.Chandrasekar

For Respondents : Mr.S.Balamurugan,  
Government Advocate  
(for R1 to R3)

Mr.T.Shanmugam (for R4)

Mr.S.Dayaleeswaran (for R5)

## O R D E R

Heard Mr.C.K.Chandrasekar, Learned Counsel for the Petitioner, Mr.S.Balamurugan, Learned Government Advocate appearing for the First to Third Respondents, Mr. T.Shanmugam, Learned Counsel for the Fourth Respondent and Mr. S.Dayaleeswaran, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Though this Writ Petition was earlier disposed by order dated 26.04.2019, it has been set aside in appeal by order dated 16.09.2020 in W.A. No. 321 of 2020 passed by the Division Bench of this Court and the matter has been remitted for fresh hearing.

3. 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 his pension. It is the case of the Petitioner that he had sustained injuries in an accident which had taken place on 31.07.2016 for which he was admitted at Apollo Speciality Hospital, Tiruchirappalli for treatment and surgery and he had incurred medical expenses of Rs. 1,90,071/- in that regard. Since there was no response from the Fourth Respondent, which is the Insurance Company to grant the benefits under the New Health Insurance Scheme, 2014, for the claim made by the Petitioner for reimbursement of the medical expenses of Rs. 1,90,071/- despite his representation dated 22.01.2018 made to the Respondents in that regard, he has filed this Writ Petition.

4. During the earlier hearing on 18.02.2022, it had been brought to notice that clause 5(b) of Annexure-I relating to the implementation procedure for New Health Insurance Scheme in G.O. Ms. No. 202, Finance (Salaries) Department dated 30.06.2016 issued by the Government of Tamil Nadu, provides as follows:-



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"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 Fourth Respondent was required to re-examine the claim of the Petitioner for medical reimbursement taking into consideration the aforesaid provision and if the Petitioner was found eligible, the Fourth Respondent was directed to sanction the eligible amount and file report in that regard.

5. It was represented on 21.04.2022 that a sum of Rs. 1,50,214/- was paid to the Petitioner on 19.04.2022 towards reimbursement of the medical expenses as against the claim of Rs. 1,90,071/- made. The Fourth Respondent was then required to file a report explaining the reasons for the deductions along with supporting materials in that regard. Learned Counsel for the Fourth Respondent informs today that the break-up details under the various heads with reasons for deduction would be furnished shortly to the Petitioner under written acknowledgment. The Fourth Respondent shall complete the said exercise by 31.05.2022 without fail.

6. 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, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

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

Sd/-  
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Director of Pension,  
Nandanam,  
Chennai - 600 035.



2. The Commissioner of Treasurer and Accounts,  
Nandanam,  
Chennai - 600 035.

3. The District Treasury Officer,  
Ariyalur,  
Trichy District.

4. The Manager,  
United India Insurance Co. Ltd.,  
No. 27, Laxmi Towers, 3<sup>rd</sup> Floor,  
Dr. Radhakrishnan Salai,  
Mylapore,  
Chennai - 600 004.

+1cc to Mr.C.K.Chandrasekar, Advocate, S.R.No.29319

+1cc to the Government Pleader, S.R.No.30662

W.P.No.17922 of 2018

SR(CO)  
RLP(24/05/2022)