



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

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

W.P. No. 6697 of 2017

S.Dhanalakshmi

...Petitioner

-vs-

1. The Director of Pension,
2nd Floor, 3rd Block,
DMS Office Complex,
Teynampet,
Chennai - 600 006.

2. The Treasury Officer,
District Treasury Office,
Erode - 11.

3. The United India Insurance Co. Ltd.,
No. 64, Armenian Street,
Catholic Centre,
Chennai - 600 001.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Declaration, declaring the records relating to the order passed by the Second Respondent in K. Dis. No. 3149/2016/E2 dated 10.11.2016 and declare the same as null and void and thereby direct the Respondents to pay the medical reimbursement eligible to the Petitioner along with interest until the date of payment.

For Petitioner : Mr. A.R.Nixon

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

Mr. P.Sankaranarayanan (for R3)

O R D E R

Heard Mr. A.R.Nixon, Learned Counsel for the Petitioner, Mrs.C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. P.Sankaranarayanan,



Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2.The husband of the Petitioner, viz., P.N.Shanmugam, who was 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 the said P.N.Shanmugam had sustained injuries in an accident which had taken place on 08.09.2015 for which he was admitted at Sudha Institute of Medical Science, Erode for treatment and surgery and he had incurred medical expenses of Rs. 5,28,000/- in that regard. The said P.N.Shanmugam had died on 01.11.2015 and the claim made by the Petitioner, as the legal representative of the said P.N.Shanmugam to the Third Respondent, which is the Insurance Company to grant the benefits under the New Health Insurance Scheme, 2014, was rejected by the Third Respondent by letter dated 29.07.2016 stating that the treatment was taken during the second year of the Scheme which was informed to the Petitioner by the Second Respondent by Proceedings in K. Dis No. 3149/2016/E2 dated 10.11.2016 and is challenged by the Petitioner in this Writ Petition with a consequential direction seeking to make payment of the eligible amount with interest from the date of making the claim till actual payment.

3.During the earlier hearing on 23.02.2022, 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:-

"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, Learned Counsel appearing for the Third Respondent sought time to obtain instructions as to why the Petitioner had not been granted the benefits in terms of the said clause and file report in that regard.

4.When the matter was taken up for hearing today, Learned Counsel for the Third Respondent, on instructions, states that the original bills for the medical expenses have already been returned to the Petitioner by Proceedings in K. Dis No. 3149/2016/E2 dated 10.11.2016 of the Second Respondent and unless the original bills are re-submitted, the Third Respondent would not be in a position to take further action in the matter.



5.It is represented today that the Petitioner had produced the original bills to the Third Respondent and the eligible amount of Rs. 2,00,000/-, which is the maximum amount in terms of clause 7 of G.O. Ms. No. 171, Finance (Pension) Department dated 26.06.2014 that could be paid under the New Health Insurance Scheme, would be remitted into the bank account of the Petitioner through electronic means shortly. The Third 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, she is not precluded from working out her 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-IX)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Director of Pension,
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+1cc to Mr.A.R.Nixon, Advocate, S.R.No.28469
+1cc to the Government Pleader, S.R.No.28657

W.P. No. 6697 of 2017

GSM(CO)
RGA(24/05/2022)