



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. 3197 of 2017

D.J.Rahiman Sheriff

... Petitioner

-vs-

1. The Additional Treasury Officer,
District Treasury,
Krishnagiri.
2. The Joint Director of Medical & Rural Services,
Krishnagiri.
3. The Superintendent of Police,
District Police Office,
Krishnagiri.
4. M/s. United India Insurance Company Ltd.,
5th Floor, PLA Rathna Towers,
No. 212, Anna Salai,
Chennai - 600 006.
(R4 is suo-motu impleaded vide order dated 23.02.2022)

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the First Respondent herein in his proceedings P. Ve. No. 30/2016/Aa1 dated 26.10.2016 and quash the same and consequently direct the Respondents herein to reimburse the medical expenses incurred by the Petitioner to the tune of Rs. 1,09,362/- together with interest to the Petitioner within a time frame as deem fit and proper by this Court.

For Petitioner : Ms. Nirmala Daisy
for M/s. G.Bala and Daisy

For Respondents: Mrs. C.Sangamithirai,
Special Government Pleader
(for R1 to R3)

Mr. P.Sankaranarayanan (for R4)



O R D E R

Heard Ms. Nirmala Daisy, Learned Counsel for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First to Third Respondents and Mr. P.Sankaranarayanan, Learned Counsel for the Fourth 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 Police Department of the State Government, 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 08.03.2015 for which he was admitted at Arun Hospital, Krishnagiri and C.M.C. Hospital, Vellore for treatment and surgery and he had incurred medical expenses of Rs. 1,09,362/- in that regard. The claim made by the Petitioner to the Fourth Respondent, which is the Insurance Company to grant the benefits under the New Health Insurance Scheme, 2014, was rejected by the Fourth Respondent stating that the treatment taken at C.M.C. Hospital, Vellore is a conservative management and is not covered under the scheme, which was informed to the Petitioner by the First Respondent by Proceedings in Pa. Ve. No. 30/2016/Aa1 dated 26.10.2016 and is challenged by the Petitioner in the Writ Petition with a consequential direction to the Respondents to make payment of the said sum of Rs. 1,09,362/- towards reimbursement of medical expenses 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, the Petitioner was required to furnish relevant papers including bills to the Fourth Respondent by 04.03.2022 and if the Petitioner was found eligible, the Fourth Respondent was directed to sanction the eligible amount and file report in that regard.

4. It is represented today that the Petitioner had



produced the original bills to the Fourth Respondent and an eligible amount of Rs. 40,312/- as against the bills produced would be remitted into the bank account of the Petitioner shortly through electronic means and that the break-up details under the various heads would be furnished to the Petitioner under written acknowledgment. The Fourth Respondent shall complete the said exercise by 31.05.2022 without fail.

5. 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 Additional Treasury Officer,
District Treasury,
Krishnagiri.
2. The Joint Director of Medical & Rural Services,
Krishnagiri.
3. The Superintendent of Police,
District Police Office,
Krishnagiri.
4. The General Manager,
M/s. United India Insurance Company Ltd.,
5th Floor, PLA Rathna Towers,
No. 212, Anna Salai,
Chennai - 600 006.

+1cc to Mr.G.Bala & Daisy, Advocate, S.R.No.28087

+1cc to the Government Pleader, S.R.No.28655

W.P. No. 3197 of 2017

PVS (CO)
SB(27/05/2022)