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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

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

W.P. No. 24101 of 2017

R.N.Vijayakumar

...Petitioner

-vs-

1. The District Collector,
Namakkal District,
Namakkal.
2. The Joint Director of Health Services,
Medical & Rural Health Services Department,
Namakkal - 637 001.
3. The Treasury Officer,
District Treasury,
Namakkal.
4. The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Officer - VI,
5th Floor, P.L.A. Rathna Tower,
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 relating to the impugned proceedings issued by the Fourth Respondent in No. Nil dated 28.06.2017 and the consequential impugned proceedings issued by the Second Respondent in Ref. No. 3325/MB/2017/1 dated 24.07.2017 and to quash the same and consequently directing the Respondents to reimburse the medical treatment expenses incurred by the Petitioner for orthopedic surgery under New Health Insurance Scheme, 2012, within a time frame to be fixed by this Court.

For Petitioner : Mr. S.Nedunchezhiyan

For Respondents: Mrs. C.Sangamithirai,
Special Government Pleader
(for R1 to R3)
Mr. P.Sanakaranarayanan (for R4)



O R D E R

Heard Mr.S.Nedunchezhiyan, 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 working as Village Assistant in the Revenue Department of the State Government, 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 by making periodical contributions towards insurance premia from his salary. It is the case of the Petitioner that he had suffered injuries in an accident that had taken place on 01.12.2014 for which he was admitted at Ganga Medical Centre and Hospital Private Limited, Coimbatore for treatment and surgery and he had incurred medical expenses of Rs. 1,62,855/- in that regard. It is further contended by the Petitioner that though he had taken treatment at an approved hospital and his claim for reimbursement of the medical expenses under the New Health Insurance Scheme, 2012, had been recommended by the District Level Empowered Committee, the Fourth Respondent by order dated 28.06.2017 rejected it on the specious plea that the procedure is not covered, which had been informed to him by the Second Respondent by Proceedings in Ref. No. 3325/MB/2017/1 24.07.2017 and is challenged in this Writ Petition.

3.This Court during the earlier hearing on 23.02.2022 had passed the following self-explanatory order:-

" The Second Respondent has filed Counter-Affidavit dated 05.12.2017 stating that the claim of the Petitioner for medical reimbursement had been recommended to the Fourth Respondent, but it has been repudiated. There does not appear to be any satisfactory explanation from the Fourth Respondent for the denial of the said claim. In view of the same, the Fourth Respondent shall re-examine the claim of the Petitioner for medical reimbursement and if it is found that the Petitioner is not entitled for the same, a report containing the defects in the claim with details of documents required to be submitted shall be filed on the next hearing.

Post the matter on 16.03.2022."

In furtherance to the said order passed by the Court, Learned Counsel for the Fourth Respondent, on instructions, states that an eligible sum of Rs. 54,605/- as against the bills produced



for Rs. 77,235/- would be remitted into the bank account of the Petitioner by 10.05.2022 through electronic means and he has filed a memo dated 28.04.2022 to that effect with break-up details under various heads, which is placed on record.

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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, 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-VI)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Joint Director of Health Services,
Medical & Rural Health Services Department,
Namakkal - 637 001.
3. The Treasury Officer,
District Treasury,
Namakkal.
4. The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Officer - VI,
5th Floor, P.L.A. Rathna Tower,
212, Anna Salai, Chennai - 600 006.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.29879
+lcc to the Government Pleader, S.R.No.30661

W.P. No. 24101 of 2017

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