



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. 15011 OF 2017

AND

W.M.P. NO. 16249 OF 2017

K.Somasekaran

... Petitioner

-vs-

1. The Principal Secretary,
Finance (Pension) Department,
Government of Tamil Nadu,
Chennai.
2. The Director of Treasuries and Accounts,
Panagal Building,
Saidapet,
Chennai - 600 015.
3. The District Collector,
Krishnagiri,
Krishnagiri District.
4. The Additional Treasury Officer,
District Treasury,
Krishnagiri District.
5. The Chairman,
District Medical Board, Krishnagiri,
Government Head Quarters Hospital,
Krishnagiri.
6. The Manager,
United India Insurance Company Ltd.,
Divisional Officer, First Floor, Cilingi Building,
134, Greems Road,
Chennai - 600 006.

... 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 impugned letter in Na. Ka. No. 3971/2016/A1 dated 30.08.2016 passed by the Fourth Respondent and quash the same and direct the Third, Fourth and Sixth Respondents to reimburse the medical expenses as claimed by the Petitioner dated 26.11.2014 under the scheme of New Health Insurance Scheme, 2014, for Pensioners for a sum of Rs. 2,00,000/- (Rupees Two Lakhs only) with interest @ 12% as sanction and approved by the Fifth Respondent within time stipulated by this Court.

For Petitioner : Mr. J.Nandagopal

For Respondents: Mrs. C.Sangamithirai,
Special Government Pleader
(for R1 to R5)

Mr. P.Sankaranarayanan (for R6)

O R D E R

Heard Mr. J.Nandagopal, Learned Counsel for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First to Fifth Respondents and Mr. P.Sankaranarayanan, Learned Counsel for the Sixth 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 service as Headmaster in Panchayat Union Primary School, 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 suffered injuries in an accident that had taken place on 17.09.2014 for which he was admitted at Sparsh Hospital, Bangalore for treatment and surgery and had incurred medical expenses of Rs. 2,00,000/- in that regard. The claim made by the Petitioner for reimbursement of that medical expenses to the Sixth Respondent, which is the Insurance Company to grant the benefits under the New Health Insurance Scheme, 2014, was rejected by the Sixth Respondent by order dated 02.08.2016 stating that the procedure was not covered, which was informed to the Petitioner by Letter in Na. Ka. No. 3971/2016/A1 dated 30.08.2016 by the Fourth Respondent. Aggrieved thereby, the Petitioner has challenged the said rejection of his claim for reimbursement of medical expenses and has sought for consequential direction to the Third, Fourth and Sixth Respondents to make payment of the said sum of Rs. 2,00,000/- towards reimbursement of medical expenses



with interest at the rate of 12% per annum from the date of remittance till the 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 Sixth 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 Sixth Respondent, on instructions, states that the original bills for the medical expenses have already been returned to the Petitioner by the impugned Order in Na. Ka. No. 3971/2016/A1 dated 30.08.2016 passed by the Fourth Respondent and unless the original bills are re-submitted, the Sixth Respondent would not be in a position to take further action in the matter.

5. Having regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) on receipt of the original bills from the Petitioner or production of its authenticated copies from the concerned hospital with explanation from the Petitioner as to the non-availability of the original bills by 31.07.2022, it shall be incumbent upon the concerned authorities of the Sixth Respondent to examine the claim made by the Petitioner for reimbursement of the medical expenses in terms of 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, without reference to the fact that the Petitioner had undergone treatment in a hospital which had not been included in the list of recognized hospitals for extending such benefit;
- (ii) 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;

- (iii) 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;
- (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;
- (vi) if the Petitioner still has any 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
- (vii) 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. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Principal Secretary,
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Chennai.
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3. The District Collector,
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Chennai - 600 006.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to the Special Government Pleader, S.R.No.28659

W.P. No. 15011 of 2017

RP(CO)
PM/23/05/2022