



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 17626 of 2017

T.Elangovan

... Petitioner

-vs-

1. The State of Tamil Nadu represented by
its Secretary to Government Finance (Salaries) Department,
Fort St. George,
Chennai - 600 009.
2. The Joint Director of Medical and Rural Health Services,
Cuddalore District,
Cuddalore - 607 001.
3. The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office VI,
PLA Rathna Towers, 5th Floor,
212, Anna Salai,
Chennai - 600 006.
4. The District Collector,
Cuddalore District - 607 001.
5. The District Treasury Officer,
O/o. the District Treasury Officer,
Cuddalore District,
Cuddalore - 607 001.
6. The Executive Officer,
Srimushnam Town Panchayat,
Srimushnam - 608 703,
Cuddalore District.

... 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 on the file of the Third Respondent in its letter dated 17.04.2017 and the consequential order of the Second Respondent in her proceedings Na. Ka. No. 10478/KA7/2016 dated 27.04.2017 and quash the same insofar as the Petitioner is concerned and direct the Respondents to reimburse the medical claim of the Petitioner to the tune of Rs. 1,33,670/- together with 9% interest from the date of remittance of the amount to the hospital by the Petitioner to till date of payment as the denial of medical reimbursement to the Petitioner is illegal.



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For Petitioner : Mr. S.Selvathirumurugan

For Respondents: Mrs. C.Sangamithirai,
Special Government Pleader
(for R1, R2, R4 and R5)

Mr. P.Sankaranarayanan (for R3)

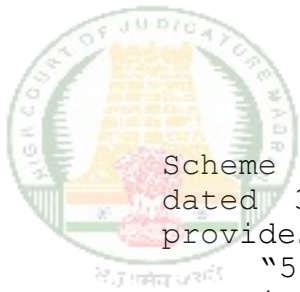
Mr. M.Digvijayapandian (for R6)

O R D E R

Heard Mr. S.Selvathirumurugan, Learned Counsel for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First, Second, Fourth and Fifth Respondents, Mr. P.Sankaranarayanan, Learned Counsel for the Third Respondent and Mr. M.Digvijayapandian, 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 working as water supply helper in the Panchayat of the Fifth Respondent, has availed the benefits of the New Health Insurance Scheme, 2016, of the Government of Tamil Nadu in G.O. Ms. No. 202, Finance (Salaries) Department dated 30.06.2016 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 27.10.2016 for which he was admitted at Subha Anandam Medical Centre, Cuddalore for treatment and was operated in left leg and right hand and he had incurred medical expenses of Rs. 1,33,670/- in that regard. The claim made by the Petitioner to the Third Respondent, which is the Insurance Company to grant the benefits under the New Health Insurance Scheme, 2016, was rejected by order dated 17.04.2017 stating that the treatment taken in a non-network hospital need not be considered as per G.O. Ms. No. 202, Finance (Salaries) Department dated 30.06.2016 issued by the Government of Tamil Nadu and Letter No. 4129/salaries/2013-1 dated 30.04.2013 issued by the Secretary, Finance (Salaries) Department. The Petitioner who has been informed of the said decision by the Second Respondent by Proceedings in Na. Ka. No. 10478/ Ka7/2016 dated 27.04.2017 has challenged the same in this Writ Petition and has sought for consequential direction to the Respondents to make payment of the said amount of Rs. 1,33,670/- towards the reimbursement of the medical expenses with interest at the rate of 9% 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 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 the impugned Order in Na. Ka. No. 10478/ Ka7/2016 dated 27.04.2017 passed by 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. 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 Third 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 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;
- (iii) 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;
- (iv) if the Petitioner is found entitled to the claim made,



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- the eligible amount shall be disbursed within a period of 30 days from the date of passing of that order;
- (v) 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
- (vi) 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. No costs.

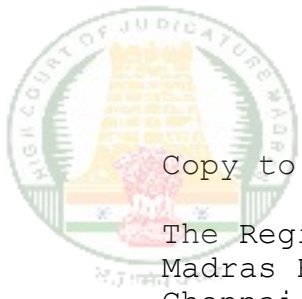
Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

vjt
To

1. The Secretary to Government of Tamil Nadu,
Finance (Salaries) Department,
Fort St. George,
Chennai - 600 009.
2. The Joint Director of Medical and Rural Health Services,
Cuddalore District,
Cuddalore - 607 001.
3. The Divisional Manager,
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Cuddalore District, Cuddalore - 607 001.
6. The Executive Officer,
Srimushnam Town Panchayat,
Srimushnam - 608 703,
Cuddalore District.



Copy to

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

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+1 cc to Government Pleader Sr.NO. 28660

W.P. No. 17626 of 2017

sr(CO)

A.SK(23/05/2022)