



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD)No.1387 of 2021

and

W.M.P (MD)No.1186 of 2021

S.Pichammal

... Petitioner

Vs.

- 1.The Secretary to Government
Finance (Pension) Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Pension,
2nd Floor, 3rd Block,
D.M.S.Office, Tenampet,
Chennai-600 006.
- 3.The District Collector,
Kanyakumari District,
Nagercoil-629 001.
- 4.The Joint Director,
Medical and Rural Health Service Department,
Kanyakumari District.
- 5.The Treasury Officer,
District Treasury,
Kanyakumari District,
Nagercoil.
- 6.The Divisional Manager,
United India Insurance & Co., Limited,
PLA Rathiha Towers,
5th Floor, No.212, Anna Salai,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 6th respondent ie., United India Insurance Company Ltd., Chennai in his proceedings Nil dated 01.10.2020 and quash the same and further direct the respondents to disburse the eligible amount of Rs.5,50,257/- to the



petitioner under the provisions contained under Tamil Nadu Medical Attendance Rules irrespective of the fact whether the hospital is approved or not within specified time frame.

For Petitioner	: Mr.N.Mohammed Asif
For R1 to R5	: Mr.M.Ramesh Government Advocate
For R6	: Mr.A.Shajahan

ORDER

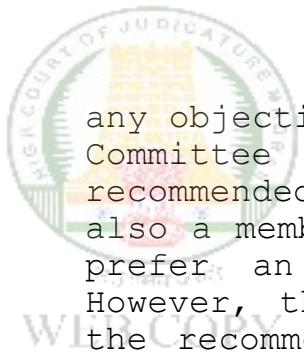
The order of rejection rejecting the medical reimbursement claim of the writ petitioner is under challenge in the present writ petition.

2.The petitioner's husband was a petitioner and a member of the New Health Insurance Scheme. The husband of the petitioner took treatment as he suddenly met with an accident on 18.11.2016. The accident occurred while crossing the road and fall on the road and sustained head injuries. The petitioner's husband was admitted in hospital and took treatment. After three years, the husband of the writ petitioner died on 18.08.2020. The petitioner submitted an application seeking medical reimbursement claim.

3.The learned Government Advocate appearing for the respondents 1 to 5 made a submission that the District Level Empowered Committee recommended the case of the writ petitioner for medical reimbursement claim. However, the Insurance Company has not aggrieved with the decision of the District Level Empowered Committee and not settled the claim and therefore, the petitioner is constrained to move the writ petition.

4.The learned counsel appearing for the Insurance Company made a submission that as per G.O.No.171, Finance (Pension) Department, dated 26.06.2014, the petitioner is not eligible. However, it is brought to the notice of this Court the Government subsequently, issued G.O.No.222, dated 13.06.2018 and based on the said G.O., the District Level Empowered Committee recommended the case of the writ petitioner.

5.This Court is of the considered opinion that the representative is also a member of the District Level Empowered Committee where the said member has participated or not is not the issue to be decided by this Court. Once the Insurance Company representative is nominated as a member of the District Level Empowered Committee, thereafter it is their duty to participate in the committee and non participation would not be a ground to set aside the recommendations made by the District Level Empowered Committee. Therefore, recommendations of the District Level Committee is to be implemented by the Insurance Company. If at all



any objection, the Insurance Company ought to have raised before the Committee itself. Once the District Level Empowered Committee recommended the case wherein the Insurance Company representative is also a member, thereafter, if they are aggrieved, then they have to prefer an appeal before the State Level Empowered Committee. However, the Insurance Company cannot sit on appeal in respect of the recommendations of the District Level Empowered Committee. In other words, the Insurance Company cannot act as an appellate authority in respect of the recommendations made by the District Level Empowered Committee. Their remedy is before the State Level Empowered Committee and such an appeal is to be filed only after settling the amount as per the recommendations of the District Level Empowered Committee. The medical treatment being an integral part of Article 21 of the Constitution of India, the right of medical reimbursement need not be denied on certain flimsy grounds.

6. In the present case, the District Level Empowered Committee recommended the case of the writ petitioner. Thus, the United India Insurance Company has to settle the medical reimbursement claim and if they are aggrieved from and out of the recommendations made by the District Level Empowered Committee, they are at liberty to prefer an appeal before the State Level Empowered Committee and thereafter, if necessary, approach the Government for redressal of their grievances. However, the member of the Health Funds Scheme cannot be denied on such grounds, when the case was considered by the District Level Empowered Committee.

7. This being the factum, the sixth respondent is directed to settle the medical reimbursement claim of the writ petitioner as per the recommendations of the District Level Empowered Committee within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the impugned order passed by the sixth respondent in proceedings No. Nil, dated 01.10.2020 is quashed and the writ petition is allowed. If at all they are aggrieved, they are at liberty to approach the State Level Empowered Committee. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Ns

To

1. The Secretary to Government
Finance (Pension) Department,
Fort St. George, Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of Pension,
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+1 CC to M/s.A. SHAJAHAN, Advocate (SR-18745[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18948[F] dated 18/04/2022)

+1 CC to M/s.N. MOHAMED ASIF, Advocate (SR-19138[F] dated
18/04/2022)

W.P. (MD)No.1387 of 2021

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RK(28/04/2022) 4P 10C