



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.1903 of 2020

G.Konnadian

Petitioner

Vs.

- 1.The Secretary to the Government,
Finance and Pension Department,
Secretariat,
Fort St.George,
Chennai.
- 2.The Commissioner of Treasuries and Accounts,
III Floor, Integrated Office Complex for Finance Department,
Veterinary Hospital Campus, Anna Salai,
Nandhanam, Chennai.
- 3.The United India Insurance Company Ltd.,
Rep. by its Chief Nodal Officer,
Divisional Office 010600,
5th Floor, Rathana Towers,
No.212, Anna Salai,
Chennai - 6.
- 4.District Level Committee,
Rep. by District Collector,
at Nagercoil, Kanyakumari District.
- 5.The District Treasury Officer,
District Treasury Office,
Nagercoil, Kanyakumari District.
- 6.The Joint Director of Medical and Rural Health Service,
At Nagercoil,
Kanyakumari District.
- 7.The District Forest Officer,
Nagercoil,
Kanyakumari District.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus

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to call for the records on the file of the sixth respondent pertaining to the order bearing Ref.No.676/E4/R/03/2019-4 dated 05.11.2019 and to quash the same and consequently, direct the respondents to disburse Rs.77,372/- spent by the petitioner for the treatment of his Son Jaswanth Kumar, within a stipulated time limit.

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For Petitioner

:Mr.S.C.Herold Singh

For Respondents

:Mr.S.Shaji Bino

Special Government Pleader
for RR.1, 2, 4 to 7

Mr.A.Shajahan for R.3

O R D E R

The petitioner is working as Forest Guard in the Office of the seventh respondent. On 30.10.2018, his son suffered ill, for which, he was admitted at Meenakshi Mission Hospital and Research Centre, Madurai. His son took treatment from 30.10.2018 to 02.11.2018 and thereafter, discharged. The petitioner has also settled the bill for a sum of Rs.77,372/-. Since the petitioner is a member of the Government of Tamil Nadu National Health Insurance Scheme and is also paying the monthly subscriptions regularly, he has applied for reimbursement. By the impugned order, his claim has been rejected and the bills were returned and therefore, he has filed this writ petition.

2.Learned Counsel appearing for the petitioner submits that the petitioner's son was admitted at Meenakshi Mission Hospital and Research Centre, Madurai for LEFT TORSION on 30.10.2018. He underwent SA, LEFT ORCHIDECTOMY AND RIGHT ORCHIDOPEXY and discharged from the Hospital on 02.11.2018. Though the petitioner's claim for reimbursement was recommended by the District Level Committee, the Insurance Company has rejected the same.

3.Learned Counsel appearing for the third respondent / Insurance Company submits that though the Hospital is a network Hospital, the procedure underwent by the petitioner's son is LEFT ORCHIDECTOMY AND RIGHT ORCHIDOPEXY, which is not covered under the scheme. As per the terms of agreement, they are not bound to make any payment for those treatments, which are not covered under the scheme. Therefore, they have returned the claim of the petitioner.

4.The entire scheme of payment by the third respondent / Insurance Company is covered by an agreement and it is not in dispute that the procedure underwent by the petitioner's son is not mentioned in the agreement. In such circumstances, it is the duty of



the Government to pay the expenses incurred by an employee under the Medical Attendance Rules.

5.In view of the above, this writ petition stands disposed of with a direction to the first respondent to consider the case of the petitioner and pass appropriate orders, as per the relevant Medical Attendance Rules, within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to the Government,
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- 3.The District Collector,
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Nagercoil, Kanyakumari District.
- 5.The Joint Director of Medical and Rural Health Service,
At Nagercoil,
Kanyakumari District.



6.The District Forest Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-829[F] dated 07/01/2022)

W.P (MD) No.1903 of 2020

06.01.2022

_RD(01.03.2022) 4P 8C