



W.A.(MD)No.549 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.549 of 2021
and
C.M.P.(MD)No.2479 of 2021

The United India Insurance Company Limited,
212, Anna Salai, Chennai -6,
Now having Office at
The Divisional Manager,
M/s.United India Insurance Company Limited,
Divisional Office VI,
5th Floor, PLA Rathina Towers,
No.212, Anna Salai,
Chennai 600 006.

... Appellant

Vs.

- 1.S.Venkatachalam (Died)
- 2.The Commissioner of Treasuries
and Accounts,
Chennai – 35.
- 3.The District Collector,
Madurai District,
Madurai.
- 4.The Treasury Officer,



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District Treasury,
Madurai 625 020.

5.Prema

***(R5 is impleaded as the LR of
the deceased R1, vide Court
order, dated 25.08.2021, made in
C.M.P.(MD)No.6082 of 2021 in
W.A.(MD)No.549 of 2021)***

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent
against the order of this Court in W.P.(MD)No.997 of 2020, dated
18.12.2020.

For Appellant	:Mr.A.Shajahan
For R1	:Died
For R2 to R4	: Mr.S.P.Maharajan Special Government Pleader
For R5	: Mr.Govindan

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This Writ Appeal is filed challenging the order passed



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in Writ Petition W.P.(MD)No.997 of 2020, dated 18.12.2020.

2. The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of Rejection of Medical Re-imbursement passed by the 3rd respondent in his letter Na.Ka.No.18212 / 2018 / M1, dated 28.11.2019 and consequently to direct the respondents to reimburse Rs.5,34,491/-(Rupees Five Lakh Thirty Four Thousand Four Hundred Ninety One only) being the actual medical expenditure incurred by the petitioner for the illness of Parkinsonism, which is a case of Septic Encephalotathy for treatment undergone by the petitioner in Apollo Speciality Hospital, Madurai, for the period from 08.11.2018 to 07.12.2018, in the light of the First Bench Judgement of this High Court in W.A.(MD)No.843 of 2017, dated 28.11.2017 within a specified period that may be fixed by this Court.



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3. The brief facts as stated in the writ petition are that the petitioner is a retired Physiotherapist from the Government Rajaji Hospital, Madurai. The petitioner is a member of the New Health Insurance Scheme for pensioners (including spouse) Family Pensioners 2018, which cover scheme for the Block Years 2018 to 2022 and entitled to get Rs.4,00,000/- as reimbursement. The petitioner was admitted in Apollo Specialty Hospital, Madurai on 08.11.2018 due to Parkinsonism a disease diagnosed as a case of SEPTIC ENCEPHALOPATHY and discharged on 07.12.2018 and incurred an expenditure of Rs.5,34,491/-. The petitioner submits that he is entitled to get reimbursements of Rs. 4,00,000/- even for the above illness, since the petitioner has paid Rs.350/- every month under the new scheme. It is said that the medical claim was rejected on the ground that the disease for which the treatment was under taken was not listed. The respondents rejected the claim, vide impugned



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WEB COPY order, dated 28.11.2019, stating that the disease is not a listed disease and the treasury has rejected the claim of the petitioner.

4. The learned Single Judge allowed the writ petition and held that the 4th respondent Insurance Company has rejected the claim though the District Level Empowered Committee passed an order, dated 07.11.2019, directing the Insurance Company to pay the amount and the same was communicated to the petitioner by virtue of the impugned order of the 3rd respondent. This court has already held in W.P. (MD)No.21950 of 2016, etc., dated 16.12.2020, wherein, it is clearly stated that once the District Level Empowered Committee has passed an order, the Insurance Company is liable to reimburse the said amount and Insurance Company has no authority to reject the same. However, in the present case, as stated by the petitioner as well as the respondents,



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the maximum insurance coverage availed by the petitioner is only Rs.4,00,000/-. Hence the learned Single Judge has set aside the impugned order passed by the 3rd respondent, dated 28.11.2019 and the 4th respondent Insurance Company was directed to pay a sum of Rs.4,00,000/- towards the reimbursement of medical expenditure within a period of 4 weeks from the date of receipt of a copy of the order. Aggrieved over the said order, the Insurance Company has come up with this writ appeal.

5. The only ground that was raised before this Court is that, if any order is passed by the District Level Empowered Committee, the Insurance Company has appellate remedy before the State Level Empowered Committee. The issue of appeal to the State Level Empowered Committee was considered in a batch of writ appeals W.A.(MD)Nos.1468 and 1471 of 2021, dated 28.07.2021, wherein the Division Bench



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has held and granted liberty to the Insurance Company to approach the State Level Empowered Committee.

6. Therefore, the Learned Single Judge order is set aside and the appellant Insurance Company is granted liberty to approach the State Level Empowered Committee within a period of three weeks from the date of receipt of a copy of this order. The insurance company shall comply with the order of the State Level Empowered Committee.

7. With the above said observation, the Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
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Index : Yes / No

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