



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2489 of 2022

Ruby Vasanthakumari

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep., by its Secretary,
Finance (Salaries) Department,
St. George Fort, Chennai-9.

2.The Commissioner of Treasuries and Accounts,
3rd Floor, Integrated Office Complex for Finance Department,
571, Anna Salai, Nandanam, Chennai-600 006.

3.The District Collector,
Madurai District, Madurai.

4.The United Indian Insurance Company Ltd.,
Divisional Office, I Floor, 134,
Greams Road, Chennai-600 006.

... Respondents

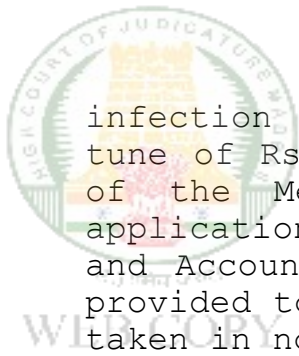
PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Rc.No.20530/NHIS-1/2021 dated 03.12.2021, quash the same as illegal and further direct the 2nd respondent to recommend the petitioner's claim to the 4th respondent to reimburse the payment from the corpus fund provided by the government within the time stipulation as prescribed by this Court.

For Petitioner	: Mr.R.Senthilnathan, Advocate
For RR1 to 3	: Mr.A.K.Manikkam, Special Government Pleader

O R D E R

The order impugned dated 03.12.2021, rejecting the claim of the writ petitioner for medical reimbursement, is under challenge in the present writ petition.

2.The writ petitioner is working as a Teacher in Nadar Vidhyasalai Middle School, Therku Vasal, Madurai. The petitioner was infected with COVID-19 and admitted in Booma Nursing Home. She was treated as inpatient from 26.05.2021 and thereafter, was discharged on 30.05.2021. She was admitted due to severe lung

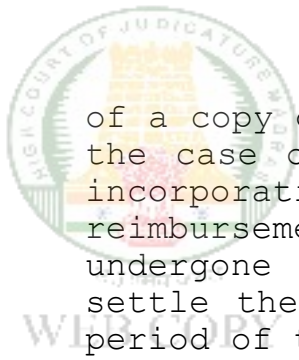


infection and the petitioner sustained medical expenditure to the tune of Rs.1,08,303/-. The petitioner states that she is a member of the Medical Reimbursement Claim and accordingly, filed an application seeking reimbursement. The Commissioner of Treasuries and Accounts, rejected the claim on the ground that the treatment provided to the petitioner was non-critical nature and treatment was taken in non-network hospital.

3.With reference to the above grounds, this Court is of the considered opinion that the principles with reference to the non-network hospital have already been settled by this Court and by the Apex Court. Merely taking treatment in a non-network hospital would not be a ground to reject the medical reimbursement claim. In emergency circumstances, for getting medical assistance, a person cannot run to pillar to post. He/she has to be admitted in the nearby hospital and once the genuinity of the treatment is established, then the medical reimbursement claim cannot be rejected merely on the ground that the treatment was taken in the non-network hospital.

4.The claim of the petitioner was rejected by the respondents on the ground that the treatment undergone by the petitioner is non-critical. As far as COVID-19 infection cases are concerned, the Government has already issued orders by including COVID-19 infection cases also for medical reimbursement claim. Both critical and non-critical cases are included in the Government Order for reimbursement of medical expenditure. However, whether the treatment undergone is critical or non-critical is to be verified by the competent Authorities for the purpose of ascertaining the eligibility for reimbursement. For non-critical cases, a fixed amount has been stipulated in the Government Order. Therefore, the Government has incorporated the COVID-19 infection cases also for the purpose of medical reimbursement vide G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020. In the event of severe lungs infection and if the condition of the infected COVID-19 patients admitted in the Hospitals is serious in nature, then appropriate reimbursement as contemplated in the Government Order is to be granted. However, if it is found that the treatment taken is non-critical, then the fixed amount stipulated in the Government Order is to be granted. Thus, the Authorities concerned are bound to look into the nature of the treatment undergone by the applicant and take a decision for grant of medical reimbursement.

5.With reference to the genuinity of the medical treatment undergone by the petitioner is concerned, the second respondent is bound to verify the medical records and thereafter, arrive at a conclusion and grant medical reimbursement as per the eligibility and in consonance with the Government Orders passed in this regard. This being the factum established, the petitioner is directed to furnish the entire medical records to the respondents for



of a copy of this order. The respondents are directed to reconsider the case of the petitioner with reference to the Government Order incorporating the COVID-19 infection cases for grant of medical reimbursement and accordingly, assess the nature of treatment undergone by the petitioner (whether critical or non-critical) and settle the medical reimbursement claim of the petitioner, within a period of twelve weeks thereafter.

6. With the above directions, the writ petition is allowed.
No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
The State of Tamil Nadu,
Finance (Salaries) Department,
St. George Fort, Chennai-9.

2. The Commissioner of Treasuries and Accounts,
3rd Floor, Integrated Office Complex for Finance Department,
571, Anna Salai, Nandanam, Chennai-600 006.

3. The District Collector,
Madurai District, Madurai.

+1 CC to M/s.SPL GP (SR-4737[F] dated 08/02/2022)

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RS (22.02.2022) 3P-5C