



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.02.2022**

**CORAM**

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

W.P.(MD) No.3705 of 2021  
and  
W.M.P.(MD) No.2972 of 2021

John Babu

... Petitioner

-vs-

- 1.The Government of Tamil Nadu,  
Rep. its Secretary, Department of Health and  
Family Welfare, Fort. St. George, Chennai.
- 2.The Joint Director,  
Medical and Rural Health Service and Family Welfare,  
Ramanathapuram.
- 3.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
- 4.The District Administrative Officer (Accountant),  
District Police Office, Ramanathapuram. ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent in Moo.Mu.No.10038/P2/2019 dated 00.09.2020 signed on 29.09.2020 and consequently directing the respondents to disburse the sum of Rs.2,55,896/- together with further interest under medical reimbursement scheme.

For Petitioner : Mr.M.Ramu

For Respondents: Mr.N.Satheesh Kumar,  
Additional Government Pleader

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O R D E R

The order impugned, passed by the 2<sup>nd</sup> respondent in Moo.Mu.No.10038/P2/2019, dated 00.09.2020 signed on 29.09.2020, is  
<https://hcservices.ecourts.gov.in/hcservices/>



under challenge in the present writ petition. Further direction is sought to direct the respondents to disburse a sum of Rs.2,55,896/- together with further interest under medical reimbursement scheme.

2.The medical reimbursement claim of the writ petitioner was rejected on the ground that the treatment was taken in non-network hospital and further, the nature of treatment is also not covered under the New Health Insurance Scheme. When the treatment itself is not covered under the New Health Insurance Scheme, then the Insurance Company is not bound to settle the claim of the pensioners. In such circumstances, the Government has given a facility to approach the Government Authorities under the Tamil Nadu Medical Attendance Rules. In this regard, the Government originally issued G.O.(Ms) No.391, Finance (Salaries) Department, dated 10.12.2018 and revision of rates under the Tamil Nadu Medical Attendance Rules was issued in G.O.Ms.No.401, Health and Family Welfare (Z1) Department, dated 09.09.2021. When there is a separate provision for settling the medical reimbursement claims in respect of the treatments undergone in non-network hospitals and regarding the treatments which all are not listed in the scheme, the aggrieved persons are bound to submit their applications under the Tamil Nadu Medical Attendance Rules.

3.This being the factum, the petitioner is at liberty to approach the competent authority under the Tamil Nadu Medical Attendance Rules for the purpose of considering his case for settlement of medical reimbursement claim.

4.With the above liberty, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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/ /2022

Sub Assistant Registrar(CS)

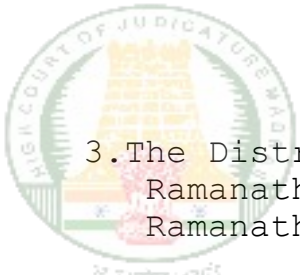
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To

1.The Secretary to Government,  
Government of Tamil Nadu,  
Department of Health and Family Welfare,  
Fort. St. George, Chennai.

2.The Joint Director,  
Medical and Rural Health Service and Family Welfare,

<https://hcservice.sanction.gov.in/hcservice>



3.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

4.The District Administrative Officer (Accountant),  
District Police Office, Ramanathapuram.

+1 CC to M/s.SPL GP ( SR-9202[F] dated 01/03/2022 )

W.P.(MD) No.3705 of 2021  
28.02.2022

MK/08.03.2022/3P/6C