



**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.3583 of 2022**

W.M.Helen Agusta Bel

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by the Secretary to Government,  
Department of Health and Family Welfare,  
Secretariat, Fort St.George,  
Chennai-9.

2.The State of Tamil Nadu,  
Rep by the Secretary to Government,  
Finance (Pension Department)  
Secretariat,Chennai-9.

3.The Treasury Officer,  
District Treasury Office,  
Nagercoil,  
Kanyakumari District.

4.The United India Insurance Company Ltd.,  
Rep by the Divisional Manager,  
Divisional Office-VI  
5<sup>th</sup> Floor, PLA Rathna Tower,  
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 pertaining to the impugned order in Rc.No.21977/2015(55)/L2 dated 24.11.2021 on the file of the respondent No.3 and quash the same as illegal and consequently directing the respondents to grant the Medical Reimbursement Claim of Rs.4,09,669/-(Rupees Four Lakhs Nine Thousand Six Hundred and Sixty Nine only) incurred for the treatment of surgery (Off Pump Coronary Artery Bypass Grafting x 3 grafts (LIMA to LAD, Re SVG to D1 & Major OM) with accrued interest to the petitioner under the Government of Tamil Nadu New Health Insurance Scheme 2012 within the time stipulated by this Court

For Petitioner

: Mr.I.Pinaygash

For R1 to R3

: Mr.A.K.Manikkam

Special Government Pleader

For R4

: Mr.A.Shajahan



**ORDER**

The order of rejection rejecting the medical reimbursement claim of the writ petitioner is cryptic in nature. When the petitioner is a member of the New Health Insurance Scheme and the application seeking medical reimbursement is filed, the authorities competent are bound to consider the same in consonance with the terms and conditions stipulated in the scheme and passes a speaking order assigning reasons for rejection.

2. In the present case, it is recorded as "not recommended". The said findings would not provide any clarity to the aggrieved person. The aggrieved person must know on what reason his claim was rejected. In the absence of any such reason, the aggrieved person would not be in a position to redress his grievance, even after a decision is taken to prefer an appeal. Therefore, the reason for rejection in the order is live-link and in the absence of any such reason, the orders passed cannot be sustained.

3. This being the principles to be followed, the order impugned passed by the third respondent in Rc.No.21977/2015(55)/L2 dated 24.11.2021, is quashed and the matter is remanded back to the respondents for fresh consideration. Accordingly, the respondents shall reconsider the entire issue and pass appropriate speaking orders by assigning reasons, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Secretary to Government,  
Department of Health and Family Welfare,  
Secretariat, Fort St. George,  
Chennai-9.

2. The Secretary to Government,  
Finance (Pension Department)  
Secretariat,  
Chennai-9.



3.The Treasury Officer,  
District Treasury Office,  
Nagercoil,  
Kanyakumari District.

4.The Divisional Manager,  
United India Insurance Company Ltd.,  
Divisional Office-VI,  
5<sup>th</sup> Floor, PLA Rathna Tower,  
212, Anna Salai,  
Chennai-600 006.

+1 CC to M/s.SPL.GP. ( SR-19180[F] dated 18/04/2022 )

**W.P. (MD)No.3583 of 2022**

**13.04.2022**

MGJ(26.04.2022) 3P 6C