



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4108 of 2020

V.Ramasamy

... Petitioner

-vs-

1.The District Collector
Tirunelveli
Tirunelveli District

2.The Joint Director
Social Welfare Department
Tenkasi, Tirunelveli District

3.The Treasury Officer
District Treasury
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.9127/N.1/2019 dated Nil.01.2020 and quash the same in so far as the petitioner's concern and consequently direct the respondents herein to reimburse the medical claim of Rs.2,81,588/- (Rupees two lakhs eighty one thousand five hundred and eighty eight only) together with interest at the rate of 7.5% per annum thereon to the petitioner covered by the medical records and medical bills within a reasonable time.

For Petitioner : Mr.S.Baskar Mathuram
for M/s.Mathuram Law Associates

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

The medical reimbursement claim of the petitioner has been rejected by the third respondent on the ground that the petitioner undergone treatment in a non-network hospital and the treatment undergone is also not covered under G.O.No.171, Finance Department, dated 26.06.2014.

2. The learned counsel for the petitioner states that the petitioner is a member of New Health Insurance Scheme and therefore, he is entitled for medical reimbursement. The petitioner sustained injuries in his right leg and undergone treatment as inpatient.



Thereafter, he submitted application along with medical bills for reimbursement. However, the application was rejected on the ground that the petitioner has undergone treatment in a non-network hospital and the treatment undergone by him is not approved in the Government Order.

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3. This Court is of the considered opinion that even in case the treatment is prescribed in the Government Order and the hospital is not included in the list of approved hospitals, then the Court can consider the claim. However, when the treatment undergone itself is not approved, the application cannot be considered by the Insurance Company under the Scheme. However, there is a Government letter issued in this regard vide letter dated 16.12.2019. In respect of the unapproved treatments, the Government is considering the claims for medical reimbursement. In this regard, the petitioner is permitted to submit his application to the Government for consideration and in the event of receiving any such application, the Authority competent may consider the same and take a decision on merits and in accordance with law, as expeditiously as possible. However, in the present case, the liability cannot be fastened on the Insurance Company under the Scheme.

4. With the above observations / directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To:

- 1.The District Collector,
Tirunelveli,
Tirunelveli District.
- 2.The Joint Director,
Social Welfare Department,
Tenkasi, Tirunelveli District.
- 3.The Treasury Officer,
District Treasury,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-8079[F] dated 23/02/2022)



W.P.(MD) No.4108 of 2020

+1 CC to M/s.MATHURAM LAW ASSOCIATES, Advocate (SR-8285[F] dated
24/02/2022)

W.P. (MD) No.4108 of 2020
22.02.2022

SB (CO)

KB(03.03.2022) 3P 6C