



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2022

CORAM:

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

W.P. (MD)No.4704 of 2022

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P.Shanmugasundaram

... Petitioner

Vs.

1.The Special Secretary to Government
Finance (Salaries) Deptt.
Government of Tamilnadu
Secretariat, Chennai 600 009.

2.The District Collector
Tirunelveli District
Tirunelveli.

3.The Joint Director,
Medical and Rural Health Services Deptt.,
Tirunelveli District at Tenkasi.

4.The Treasury Officer,
District Treasury
Tirunelveli 627 009.

5.The Divisional Officer VI
United India Insurance Co., Ltd.,
5th Floor, PLA Rathina Towers
No.212 Anna Salai
Chennai. 600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Lr.Ref.010600/G/492/2021 dated 26.10.2021 of the 5th respondent and quash the same and consequently direct the respondents to reimburse the medical claim of Rs.1,12,956/- (Rupees one lakh twelve thousand nine hundred and fifty six only) with 9% interest.

For Petitioner : Mr.S.Stalinmuthu

For Respondents : Mr.N.Satheeshkumar for R1 to R4
Government Advocate
Mr.A.Shajahan for R5

ORDER

The order passed by the 5th respondent Insurance company in proceedings dated 26.10.2021 returning the claim of the writ petitioner for medical reimbursement on the ground that the petitioner has not submitted the original medical bills is under challenge in the present writ petition.



2.The petitioner is 84 years old State Pensioner. He is a member of a new medical insurance scheme and therefore, eligible for medical reimbursement. The petitioner's wife had taken treatment in a hospital and accordingly he filed application for medical reimbursement along with original medical bills.

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3.The learned counsel for the petitioner made a reference regarding the order communicated by the treasury officer, District Treasury, Tirunelveli to the Regional Manager, United India Insurance Company in proceedings in Na.Ka.No.4973/2021, dated 03.05.2021. As per the said letter, the District Treasury Officer has enclosed all the original medical bills and sent the same to the United India Insurance Company.

4. Per contra, the learned counsel appearing on behalf of the Insurance Company referred the representation sent by the writ petitioner on 17.08.2021 stating that the petitioner himself has stated the original medical bills have missed. However, the learned counsel for the petitioner states that the treasury officer letter reveals that the originals were sent to the insurance company.

5. This being the factum, this Court is able to form an opinion that the original medical bills were submitted by the writ petitioner before the competent authority and it is not known to the authorities, whether it was placed or misplaced or lost. Because of the lapse on the part of the respondents, the petitioner cannot be made to suffer. The petitioner established the genuinity of the treatment and he furnished all the medical bills. That being the factum, the entitlement of medical reimbursement cannot be denied on account of lapses committed by the authorities.

6.This being the factum established, the petitioner is at liberty to submit the returned claim application to the insurance company, who in turn is directed to settle the eligible medical reimbursement claim of the writ petitioner based on the xerox copies of the medical bills within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish a letter of undertaking that he will not claim any medical reimbursement on the second time based on the very same bills, if the originals are traced.

7. With this direction, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



RR

To

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Finance (Salaries) Deptt.
Government of Tamilnadu
Secretariat, Chennai 600 009.

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+1 CC to M/s.S.STALINMUTHU, Advocate (SR-22266[F] dated 28/04/2022)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-22316[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-22952[F] dated 29/04/2022)

W.P. (MD)No.4704 of 2022
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SS/25.05.2022 : 3P/9C