



WP(MD)No.4981 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2022**

CORAM:

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

W.P.(MD)No.4981 of 2022

V.Ramachandran

... Petitioner

/vs./

- 1.The Principal Secretary to Government of Tamil Nadu,
Department of Finance (Present),
Secretariat, Fort. St. George, Chennai.
- 2.The Director,
Directorate of Medical and Health Service,
Chennai.
- 3.The Directorate of Treasuries and Accounts,
Panagal Building, 2nd Floor,
Saidapet, Chennai.
- 4.The District Collector,
Trichirappalli District.
- 5.The District Treasury Officer,
District Treasury Office,
Trichirappalli.
- 6.The Sub Treasury Officer,
Sub Treasury Office, Lalgudi.



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7.The District Empowered Committee,
New Medical Health Insurance Scheme,
Trichirappalli District.

8.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office VI,
PLA Rathna Tower 5th Floor,
212, Anna Salai, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 4th respondent in Mu.Mu.J3/5238/2021 dated 28.01.2022 and quash the same as illegal and arbitrary and consequently direct the respondent to sanction and reimburse the medical expenses of Rs.3,31,553.50/- (Rupees Three lakhs thirty one thousand five hundred and fifty three and fifty paise only) and Rs.60,310/- (Rupees sixty thousand three hundred and ten only) incurred in the treatment to the petitioner in G.Kuppusamy Naidu Memorial Hospital at Coimbatore, American Oncology Institute at Royal Care Super Speciality Hospital, Coimbatore respectively.

For Petitioner : Mr.G.Kandha Vadivelan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader (For R1 to R7)

Mr.A.Shajahan (For R8)



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ORDER

The petitioner, is a member of the New Health Insurance Scheme, which introduced for Government Employees and Pensioners and he had taken treatment at G.Kuppusamy Naidu Memorial Hospital at Coimbatore, and various other hospitals for Hodskins Lymphoma Cancer.

2.The petitioner's claim for medical reimbursement was referred to the District Level Empowered Committee (hereinafter referred to as “DLEC” for brevity), which is the Committee constituted by the Government headed by the District Collector, having the Joint Director of Medical and Rural Health Services Department, the District Treasury Officer and an official representative of the Insurance Company as members. and it was rejected by the DLEC, which was communicated through the impugned order, dated 28.01.2022, stating that the petitioner had not taken treatment in a network hospital.



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3.The issue as to whether the medical reimbursement can be rejected on the ground that the treatment was not taken in network hospital or that the ailment/treatment/surgery was not scheduled one, has already been dealt with in various decisions of this Court, whereby it has been held that such rejection on the ground of non-network hospital or non-scheduled ailment/treatment/surgery cannot be a ground for rejection.

4.The next question that arises for consideration is that who would be liable to reimburse the medi-claim raised by the petitioner herein. The Government, in G.O.Ms.No.423, Health and Family Welfare (Z1) Department, 22.06.1995 and G.O.Ms.No.401, Health and Family Welfare (Z1) Department, 09.09.2021, had ordered that whenever the hospital is not covered or the treatment is not enlisted under the New Health Insurance Scheme, the Government Employees and the pensioners would be entitled to make the medi-claim with the Government under the Tamil Nadu Medical Attendance Rules (hereinafter referred to as “the Rules” for brevity) for reimbursement. The rates fixed by the Government under the Rules have also been revised subsequently in G.O.Ms.No.401, Health and Family



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Welfare (Z1) Department, dated 09.09.2021, by making a reference to their liability, under G.O.Ms.No.423, Health and Family Welfare (Z1) Department, dated 22.06.1995.

5.Thus, when the ailment/treatment/surgery undertaken by the Government Employees and Pensioners either not in one of the network hospitals or it is not scheduled one, the State Government would be liable to reimburse the eligible claim of such Government Employees and Pensioners, in accordance with the rates prescribed under the Rules.

6.In the light of the aforesaid Government Orders, the impugned order of rejection by the DLEC cannot be sustained. On the other hand, DLEC ought to have held that the Government Employee / Pensioner would be entitled for reimbursement from the State Government, in accordance with the rates prescribed under the Rules.

7.Accordingly, the impugned order of DLEC, dated 28.01.2022, is hereby quashed and there shall be a direction to the respondents 1 to 7, to reimburse the



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eligible amount for the medical expenses incurred for the treatment undergone by the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order. This Writ Petition is allowed accordingly. There shall be no order as to costs.

29.08.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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