



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2022

CORAM:

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

W.P. (MD)No.5189 of 2022

WEB COPY

D.Suresh

... Petitioner

Vs.

1.The Commissioner of Treasuries and Accounts,
3rd Floor, Integrated office complex for
Finance Department
No.571 Anna Salai, Nandanam
Chennai 600 035.

2.The District Collector
Madurai
Madurai District.

3.The Block Development Officer,
Kallikudi Union,
Kallikudi.

4.The Divisional Manager,
United India Insurance Company
Divisional Office VI, 5th floor,
PLA Rathna Towers,
212 Anna Salai,
Chennai 6

... 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 order passed by the 1st respondent vide his proceedings RC.No.21622/NHIS-1/2021 dated 18.11.2021 and quash the same and direct the respondent to pay medical reimbursement of medical expenses of Rs.4,21,450/- due to the petitioner by the respondents.

For Petitioner

: Mr.M.A.Abdul Muthalif

For Respondents

: Mr.N.Satheeshkumar for R1 to R2

Addl.Government Pleader

Mr.S.Shanmugavel for R3

Addl. Government Pleader

Mr.A.Shajahan for R4

ORDER

The order of rejection rejecting the claim of the writ petitioner for medical reimbursement on the ground that the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner has taken treatment for COVID-19 infection in a non networking hospital and further the petitioner has not taken treatment for critical and further the petitioner was not critical for the purpose of claiming medical reimbursement.

2.The petitioner was affected by COVID-19 infection and had taken treatment in a non-networking hospital, which is not disputed. However, the learned counsel for the petitioner mainly contended that the petitioner had taken treatment for critical and therefore, he is entitled for medical reimbursement as per the Government orders.

3. The learned Additional Government Pleader on getting instructions from the first respondent and more so, with the consultation of the Doctors made a submission that the petitioner's SPO₂ is 97% in room, which is not considered as critical and regarding the lung infection, the Doctors assessed that the petitioner is already a diabetic. Therefore, it is not construed as if he has taken treatment for critical.

4. The learned counsel for the insurance company also reiterated the said ground by stating that independent verification was done by the insurance company and as per their panel doctors also, the petitioner is not eligible, as he has taken treatment in a non networking hospital and further, he was not critical. When the petitioner has taken treatment in a non networking hospital and not taking treatment for critical infection, the treatment taken in respect of the COVID-19 infection, the petitioner has to establish that he was admitted due to emergency situation. In the present case, such circumstances are not established. The petitioner is not entitled for the relief and there is no infirmity in respect of the reasons assigned in the order impugned for the claim of medical reimbursement, more specifically for COVID-19 treatment. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Commissioner of Treasuries and Accounts,
3rd Floor, Integrated office complex for
Finance Department
No.571 Anna Salai, Nandanam

<https://hcservices.csema.gov.in/606035>



2.The District Collector
Madurai
Madurai District.

3.The Block Development Officer,
Kallikudi Union,
Kallikudi.

4.The Divisional Manager,
United India Insurance Company
Divisional Office VI, 5th floor,
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212 Anna Salai,
Chennai 6

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-22317[F] dated 28/04/2022)

+1 CC to M/s.ABDUL MUTHALIF, Advocate (SR-22750[F] dated 29/04/2022)

+1 CC to M/s.SPL. GP (SR-22980[F] dated 29/04/2022)

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RD(23.05.2022) 3P 8C