



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6640 of 2021

C.Indirani

... Petitioner

-vs-

1.The Principal Secretary Cum Commissioner of
Treasuries and Accounts,
Panagal Building Saidapet, Chennai-35.

2.The District Collector, Madurai.

3.The Joint Director,
Medical and Rural Health Service Department,
Usilampatti, Madurai District.

4.The District Treasury Officer,
District Collectorate, Madurai.

5.The Managing Director,
MD India Health Insurance TPA Pvt Ltd,
443 and 445 Guna Complex,
Anna Salai, Teynampet, Chennai-600 018.

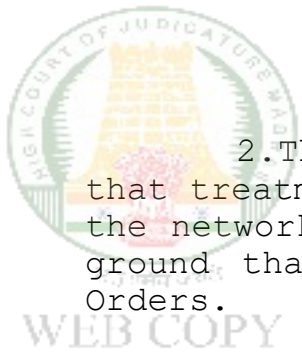
... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 3rd respondent to reimburse the medical expenses of Rs.1,07,275/- incurred by the petitioner's husband towards his medical treatment taken during 04.11.2019 to 10.11.2019 at M/s.Vadamalayan Hospital Madurai together with an interest at the rate of 12% p.a until paid.

For Petitioner :	Mr.N.Karthik Kanna
For RR1 to 4 :	Mr.D.Sadiq Raja, Additional Government Pleader
For R5 :	Mr.A.Shajahan

O R D E R

The relief sought for in the present writ petition is to direct the 3rd respondent to reimburse the medical expenses of Rs.1,07,275/- incurred by the petitioner's husband towards his medical treatment.



2.The learned counsel for the petitioner made a submission that treatment was provided to the husband of the writ petitioner in the network hospital. However, the claim was not considered on the ground that the treatment taken is not listed in the Government Orders.

3.The learned Additional Government Pleader brought to the notice of this Court with reference to the counter filed by the 4th respondent that the case of the writ petitioner was considered and it was rejected in order dated 06.11.2019 by the 5th respondent on the ground that the petitioner's husband has got non-network treatment and therefore, her case was not considered and the said order is not under challenge.

4.The learned counsel for the petitioner made a submission that the said order has not been communicated.

5.Be that as it may, this Court is of the opinion that in respect of the non-network treatment, the Insurance Company is not liable to settle medical claims under the Health Insurance Scheme. However, the aggrieved persons may approach the Government Authorities under the Tamil Nadu Medical Attendance Rules for settling the claims.

6.This being the facility provided to the Government employees, the petitioner is at liberty to file an application under the Tamil Nadu Medical Attendance Rules for the purpose of considering her claim. In the event of submitting any such application, the same may be considered as expeditiously as possible.

7.With the above liberty, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The Principal Secretary cum Commissioner of
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Panagal Building Saidapet, Chennai-35.



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+1 CC to M/s.SPL GP (SR-9224[F] dated 01/03/2022)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9355[F] dated 01/03/2022)

W.P. (MD) No.6640 of 2021
28.02.2022

SRR(CO)
KB(11.03.2022) 3P 8C