



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

CONT P(MD)No.477 of 2020

T.Nagasundaram

... Petitioner

Vs.

1.Ganesan,

The Senior Divisional Manager,
The United India Insurance Company Limited,
Divisional Office VI,
PLA Rathna Tower,
No.212 Anna Salai,
Chennai.

2.S.Rajeswaran,

The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Regional Office, By Pass Road,
Madurai 625 010.

3.G.Kaladevi,

The Assistant Manager (Labour Welfare and Pay Bill),
Tamil Nadu State Transport Corporation (Madurai) Limited,
Regional Office,
By Pass Road,
Madurai 625 010.

4.C.Samayamoorthy,

The Commissioner of Treasuries and Accounts,
Finance (Salaries) Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 015.

... Contemnors/Respondents

[R-1 to rectify the name and designation of the first respondent/contemnor in Cont P(MD).No.477 of 2020 vide Court Order Dated 22.02.2022]

PRAYER: Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for wilfully disobeying and not complying with the order of this Court, dated 28.05.2019, in W.P.(MD)No.14165 of 2015.

Prayer in WP(MD). 14165/ 2015 :

Writ Petition is filed under Article 226 of the

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Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 1st respondent dated 23.06.2015 and quash the same and direct the Respondents to reimburse the medical expenses incurred by the petitioner s wife to a sum of Rs.60,000/- along with interest to the petitioner herein.

For Petitioner : Mr.R.Saravanan
For R-1 : Mr.A.Shahjahan
For R-2 and R-3 : Mr.J.Senthil Kumaraiah
For R-4 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

O R D E R

This Contempt Petition is filed alleging the disobedience of the order passed by this Court in W.P.(MD) No. 14165 of 20165 dated 28.05.2019, wherein this Court has passed a common order in the batch of writ petitions in W.P. (MD) No. 13429 of 2013 challenging denial of medical reimbursement. This Court has issued several directions to the respondents. In the writ Petition in W.P. (MD) No. 14165 of 2015, the petitioner has challenged the order passed by the first respondent, the Insurance Company dated 23.06.2015 and to direct the respondents to reimburse the medical expenses incurred by the petitioner to his wife to the tune of Rs.60,000/-.

2. The petitioner was serving as Senior Superintendent (Legal) in the Regional Office in Tamil Nadu State Transport Corporation Madurai Limited and he is the member of New Health Insurance Scheme, 2012 which is covered under G.O. Ms. No. 243, dated 29.06.2012. The said scheme was introduced to avail medical assistance up to Rupees Four Lakhs in a block of four years commencing from 01.07.2012 to 30.06.2016. The respondents have deducted Rs.150/- per month as contribution. The contention of the petitioner is that the employer has also contributed Rs.290/- per month and totally Rs.2090/- per year is remitted back to the Insurance Company.

3. On 15.07.2013, while he was proceeding in a two wheeler along with his wife, an accident occurred due to rash and negligence driving of two wheeler. In the accident, the petitioner got minor injuries but his spouse sustained blood injuries in head, spinal and abrasion in her back. The petitioner admitted his wife in Grace Kennet Foundation Hospital and in Aristo Specialty Hospital from 15.07.2013 to 23.07.2013 and discharged on 23.07.2013. The petitioner incurred expenses to the tune of Rs.60,000/- and the petitioner has settled the entire bill and thereafter made an application for settlement of the claim through proper channel. The application was processed by the Joint Director of Family Welfare



and Health Usilampatti and returned the application stating that the "individual who has taken treatment after 01.07.2012 under the New Health Insurance Scheme and can get the medical expenses by sending the relevant papers to the New Health Insurance Scheme Office". Thereafter, the applications were forwarded with all relevant documents to the respondents Office on 28.09.2013. The petitioner submitted his representation dated 10.06.2014 to settle the claim and to issue the Identity Card. Since the respondents have not acted upon, the petitioner preferred the Writ Petition in W.P.No.11889 of 2014 and this Court vide order dated 27.08.2014 directed the respondents to consider and pass orders. Thereafter, the first respondent vide order dated 23.06.2015 has passed an order rejecting the petitioner's claim. Hence the petitioner preferred the writ petition in W.P. (MD) No. 14165 of 2015. This Court has directed the respondents to process the application through the committee, then the committee shall pass suitable direction to the Insurance Company to reimburse the claim. If the committee finds that Insurance Company cannot be directed to reimburse, in those cases, the State Authorities shall reimburse the claim under Medical Attendance Rules.

4. Thereafter, the Government in order to implement the Court order, the have issued guidelines in D.O. Letter No.37012/ Finance (Salaries) Department / 2019-1 dated 01.11.2019. As per the State guidelines, the petitioner case falls under Scenario-IV "Non-Network and Non-Emergency" case. There is no provision under the scheme to reimburse the amount for such claim. Thereafter, the respondents preferred writ Appeal along with Condone Delay Petition in C.M.P. (MD) No.1858 of 2021 in W.A.(MD).SR.No.10318 of 2021 and the Division Bench has dismissed the Writ Appeal in Condone Delay stage itself. The contention of the respondents is that based on the Hon'ble Court direction, the Government has implemented the order vide G.O.(D) No.8 Finance (Health Insurance-I) Department dated 18.02.2022.

5. The respondents submitted that the petitioner is eligible for Rs.7554/- as per Medical Attendance Rules. Since the amount is meager the respondents were directed to submit the breakup details. The contention of the respondents is that the case of the petitioner was referred to the Director of Medical and Rural Health Services, Chennai and it was recommended that as per the rates available under the Medical Attendance Rules for the treatment, the petitioner is entitled to the total amount of Rs. 7554/-. Then the respondents have requested the United India Insurance Company to furnish the package rate payable to the petitioner for the treatment underwent by the petitioner's wife. The United India Insurance Company while furnishing the package rate has also informed that the patient has undergone only medical Management and hence the Insurance Company is unable to provide eligible package since there is no rule provision



under the scheme to reimburse for such medical assistance. However, based on the subsequent request, the Insurance Company had furnished the following rate, if the same treatment is taken in the Network Hospital covered under the scheme as under:

(i) Room Tariff	- Rs.9000/-
(ii) Consumable	- Rs.3600/-
(iii) Doctor's and Nursing Fees	- Rs.5400/-
Total	Rs.18,000/-

6. As per the Medical Assistance Rules, the admission charges, professional fees, surgeon fees, Assistant Surgeon fees, Anesthetic fees are all free of cost. However, the same are reimbursed in the package rate. Taking the package into consideration, the respondents have fixed that the petitioner is eligible for Rs.18,000/- and thereafter, the respondents have granted 6% interest for Rs.18,000/- and has paid Rs.27,201/-. The said payment was disbursed under Medical Assistance Rules. In spite of all this, the petitioner is not satisfied and alleges that the respondents have committed contempt. As per the petitioner's claim, the reimbursement bill is Rs.60,000/-. For the head scan, he has paid Rs.13250/-, and impatient bill of Rs.31035/- and Pharmacy bill of Rs.16157/-.

7. This Court while allowing the writ petition has directed the respondents to consider the claim of the petitioner under Medical Assistance Rules. The respondents have considered under Medical Assistance Rules. Since the amount is very less, the respondents were kind enough to take the package rate applicable under Insurance and has increased the amount to Rs.18,000/- and has included 6% interest and has disbursed Rs.27,201/- to the petitioner.

8. Therefore, this Court is of the considered opinion that there is no willful disobedience on the part of the respondents. However, this court in order to meet the ends of justice is directing the respondents to pay the balance amount of Rs.2,799/- (Rupees Two Thousand Seven Hundred Ninety Nine only), so that the petitioner is getting 50% of the claim. In the present case, the petitioner is seeking Rs.60,000/- and the respondents have paid Rs.27,201/-. Therefore, the respondents are directed to pay Rs.2,799/- (Rupees Two Thousand Seven Hundred Ninety Nine only) as full and final settlement to the petitioner. It is made clear that the petitioner is not entitled to the further amount or interest.



9. With this direction, the Contempt Petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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The Senior Divisional Manager,
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+1 CC to M/s.SPL GP (SR-16351[F] dated 04/04/2022)

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