

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2022**

CORAM:

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

W.P.(MD)No.5857 of 2022

and

W.M.P.(MD)No.4621 of 2022

S.Anbalagan

... Petitioner

/Vs./

1.The Treasury Officer,
District Treasury,
Thanjavur.

2.The Joint Director,
Welfare Services,
Kumbakonam,
Thanjavur District.

3.United India Insurance Company Ltd.,
Represented by its Senior Divisional Manager,
Divisional Office VI,
5th Floor, PLA Rathna Towers,
212, Anna Salai, Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the order Vide Ref. 010600/G/620/2022 dated 15.02.2022 by calling for the records from the 3rd Respondent and direct the 3rd Respondent to re-imburse medical expense to the

tune of Rs.2,52,987/- meted out by the petitioner due to COVID-19 within the time stipulated by this Court.

For Petitioner : Mr.V.Chandrasekar
For R1 & R2 : Mr.A.Sivanupandian
Government Advocate
For R3 : Mr.A.Shajahan

ORDER

The petitioner claims for medical reimbursement for the medical expenses undertaken by him for his treatment in connection with Covid-19 virus, came to be recommended by the District Level Empowered Committee (DLEC).

2.It is pertinent to point out that while the Government has issued the Government Order in G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, the petitioner would be entitled for reimbursement of the medical expenses incurred by him in this regard.

3.However, inspite of the recommendation made by the DLEC, the Insurance Company, the third respondent herein had rejected the petitioner's claim

through the impugned order dated 15.02.2022, on the ground that the treatment taken by the petitioner for COVID-19 infection, was considered as non critical diagnosis and the treatment taken in the hospital was a non-network hospital.

4.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.

5.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 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 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.

6.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.

7.In the light of the aforesaid Government Orders, the impugned order of the third respondent, dated 15.02.2022 cannot be sustained and the Government Employee / Pensioner would be entitled for reimbursement from the State Government, in accordance with the rates prescribed under the Rules.

8. Accordingly, the impugned order of the third respondent/Insurance Company, dated 15.02.2022 is hereby quashed and there shall be a direction to the respondents 1 and 2, to reimburse the 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. Consequently, connected Miscellaneous Petition is closed.

29.08.2022

Index : Yes / No
Internet : Yes / No
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WP(MD)No.5857 of 2022

M.S.RAMESH, J.

Sm

To:

- 1.The Treasury Officer,
District Treasury,
Thanjavur.
- 2.The Joint Director,
Welfare Services,
Kumbakonam,
Thanjavur District.

Order made in
W.P.(MD)No.5857 of 2022

Dated:
29.08.2022