

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2022**

CORAM:

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

W.P.(MD)No.13053 of 2022

S.Ramasamy

... Petitioner

/Vs./

1.The District Collector,
Tirunelveli District.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.

3.The Joint Director,
Health Department,
Tirunelveli District,
Office at Thenkarai.

4.The Commissioner of Treasuries and Account,
3rd Floor, Integrated Office Complex,
For Finance Department,
571, Anna Salai,
Nandanam, Chennai-600 035.

... 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 in R.C.No.

25611/24/NHIS/1/2021 dated 18/02/2022 on the file of the 4th respondent and quash the same as illegal, ultravires and unconstitutional and in consequence direct the 3rd and 4th respondents to reimburse a sum of Rs.1,85,473/- (Rupees One Lakh Eight Five Thousand Four Hundred and Seventy Three Only).

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

Through the impugned order dated 18.02.2022, the petitioner's claim for medical reimbursement for the expenses incurred for testing positive for Covid-19 Virus, was rejected by the fourth respondent herein on the ground that treatment was non-critical in nature and the treatment was taken in a non-network hospital.

2.At that time, when the impugned order was passed, there was no regulation, facilitating the claim for reimbursement for COVID-19 positive cases. However, subsequently, the Government, in G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, had accepted the proposals of the

Commissioner of Treasuries and Accounts for reimbursement of expenses incurred for COVID-19 cases. The relevant portion of the aforesaid Government Order is extracted hereunder:

“8. The Government after careful examination of the proposal of Commissioner of Treasuries and Accounts, have decided to accept the same and accordingly issue the following orders:-

(i) Sanction is accorded for an adhoc amount of Rs. 10.00 crore (Rupees ten crore only) to clear the claims of the eligible expenses incurred by the Government Employees and their eligible family members and Pensioners (including spouse) / Family Pensioners under Non-Critical COVID care treatment undertaken in Non-Network hospitals by creating two Corpus Funds one for Rs.6.00 crore [Rupees six crore only] for Pensioners (including spouse) / Family Pensioners and Rs.4.00 crore [Rupees four crore only] for Government Employees and their eligible family members considering the welfare of the Employees/ Pensioners. There shall be no change in the existing modalities followed in respect of reimbursement claims settled by United India Insurance Company Limited from the funds released by Government under these Corpus Fund.

(ii) Government Employees/Pensioners who have already taken treatment for Non-Critical COVID care in

Non-empanelled Hospitals from 01.03.2020 till date are directed to submit their claims for to reimbursements by applying to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall forward the applications along with documents to the United India Insurance Company Limited to reimburse the eligible amount from the Corpus Fund provided by the Government as is followed as per the G.Os first and second read above without reference to the District Level Empowered Committee.”

3.Since the Government Order was not in existence when the impugned order was passed, the order cannot be strictly found fault with. However, in view of the subsequent passing of 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. Through the present impugned order, the application was returned to the petitioner herein by the second respondent.

4.Accordingly, the petitioner is at liberty to re-submit his application to the fourth respondent herein and on receipt of such application, the fourth respondent shall scrutinize and dispose of the same, in accordance with G.O.Ms.No.165,

Finance [Health Insurance] Department dated 01.06.2022, within a period of four (4) weeks from the date of receipt of a copy of this order.

5.With the above observations, this Writ Petition stands allowed. 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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Order made in
W.P.(MD)No.13053 of 2022

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