



W.A(MD)No.674 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2022

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CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.674 of 2022
and C.M.P.(MD) No.5708 of 2022

The Senior Divisional Manager,
United India Insurance Co. Ltd.,
Divisional Office VI,
5th Floor, PLA Rathina Towers,
212, Anna Salai,
Chennai – 600 006.

... Appellant/4th Respondent

Vs.

1.P.Lakshmanan

... 1st Respondent/Writ Petitioner

2.State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Department of Finance,
Fort St. George,
Chennai – 9.

3.The Commissioner of Treasuries and Accounts/
Joint Director,
Department of Treasuries and Accounts,
3rd Floor, Anna Salai, Nandanam,
Chennai – 600 035.

4.The District Level Empowered Committee,
Rep. by the District Collector,
Pudukkottai District.

... Respondents 2 to 4 /
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 06.01.2022 in W.P(MD)No.20360 of 2021 and allow the Writ Appeal.



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For Appellant : Mr.A.Shajahan
For 1st Respondent : Mr.T.Lajapathi Roy
For Respondents 2 to 4 : Mr.T.Amjad Khan
Government Advocate

J U D G M E N T

(Judgment of the Court was delivered by S.S.SUNDAR,J.)

The writ appeal is against the order of learned Single Judge in W.P.(MD) No.20360 of 2021, dated 06.01.2022. The first respondent filed the writ petition seeking for a direction to the respondents in the writ petition for reimbursement of medical expenses of Rs.1,38,793/-, spent by the first respondent himself for COVID – 19 treatment.

2. Heard Mr.A.Shajahan, learned counsel for the appellant, Mr.T.Lajapathi Roy, learned counsel for the first respondent and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 2 to 4.

3. The first respondent is working as Headmaster in Government Higher Secondary School, Avoor, Pudukottai District. The first respondent sent a representation to the respondents in the writ petition to reimburse the amount spent by him for taking treatment for COVID – 19. The appellant disallowed the claim of the first respondent on



the ground that he has taken treatment in the non-network hospital.

Following the same, the second respondent passed an order rejecting the application of the second respondent by order dated 11.08.2021. Challenging the same, the first respondent has filed the writ petition. The impugned order challenged in the writ petition was set aside by learned Single Judge and while disposing the writ petition, learned Single Judge directed the appellant Insurance Company to consider the case of the petitioner and make payment as directed in G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020 within a period of 12 weeks from the date of receipt of a copy of this order.

4. Learned counsel for the appellant submitted that the Government has passed G.O.Ms.No.165, Finance (Health) Department, dated 01.06.2022, subsequent to the order of learned Single Judge and the claim of the petitioner needs to be considered in the light of the above Government Order.

5. Learned counsel for the first respondent also has no quarrel over the proposition that the Government vide order in G.O.Ms.No.165, Finance (Health) Department, dated 01.06.2022, has given some benefits and he has no objection for receiving the benefits as per the said Government Order.



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6. Paragraph 8 of the said G.O. is relevant and hence, it is extracted below:

B. 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 terms:

(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 to till date are directed to submit their claims for 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.

The first respondent's entitlement as per para 8(ii) is not disputed. Hence, this Court is inclined to partly allow the Writ Appeal.

7. Accordingly, while confirming the order of learned Single Judge in setting aside the order impugned in the writ petition, the Writ Appeal is partly allowed directing the appellant to consider the first respondent case and make payment as directed in para 8 (ii) of G.O.Ms.No.165, Finance (Health) Department, dated 01.06.2022, within



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a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J] [S.S.Y.,J.]
08.07.2022

Index :Yes/No
Internet :Yes/No
sj

To

- 1.The Additional Chief Secretary to Government,
Department of Finance,
State of Tamil Nadu,
Fort St. George,
Chennai – 9.
- 2.The Commissioner of Treasuries and Accounts/
Joint Director,
Department of Treasuries and Accounts,
3rd Floor, Anna Salai, Nandanam,
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