BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 9271 of 2020
and
W.M.P. (MD) No. 8444 of 2020

Anusuyadevi ... Petitioner

Vs.

1. The Secretary to Tamil Nadu Government,
(Expenditure), Finance Department,
Chennai.

2. The Secretary to Tamil Nadu Government,
Health and Family Welfare Department,
Chennai.

3. The Director of Treasuries & Accounts,
Chennai.

4. The District Collector,
Karur District, Karur.

5. The Joint Director,
Medical and Rural Health Service Department,
Karur District Headquarters,
Karur.

6. The Divisional Manager,
The United India Insurance Company Limited,
Divisional Office, 5th Floor,
PLA Rathna Towers,
212, Anna Salai, Chennai.

7. The District Treasury Officer,
Treasury and Accounts,
Karur. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the Impugned order passed by the respondents in their proceedings in Naa.Kaa.உ2/19090/2018, dated 06.02.2020 and quash the same and consequently directing the respondents to reimburse the medical expenses of Rs.3,84,898/- met by the petitioner along with interest at the rate of 9% per annum from the date of submission of the application till the date of disbursement of the sum.

For Petitioner : Mr.RM.Sivakumar
For Respondents : Mr.D.S.Nedunchezhiyan
Govt. Advocate for R1 to R5 & R7
Mr.A.Shajahan for R6

O R D E R

The order of rejection dated 06.02.2020 rejecting the claim of the writ petitioner for medical reimbursement is under challenge in the present Writ Petition.

2. The petitioner is a Pensioner and a member of New Health Insurance Scheme. Thus, she is eligible for medical reimbursement. The petitioner underwent certain medical treatment and incurred medical expenditure. Accordingly, the petitioner submitted an application for medical reimbursement. The petitioner states that the case of the writ petitioner was considered by the District Level Empowered Committee, who in turn recommended the case of the writ petitioner to the United India Insurance Company for payment. The recommendation was sent to the United India Insurance Company by the District Collector, Karur District in proceedings dated 19.08.2019. Inspite of the recommendation, the Insurance Company rejected the claim of the writ petitioner. The Insurance Company is not conferred with power to sit on Appeal in respect of the decision taken by the District Level Empowered Committee, wherein the representative of the Insurance Company is also an official member. Therefore, the District Level Empowered Committee's recommendation is binding on the Insurance Company. However, if the decision of the District Level Empowered Committee is unacceptable to the Insurance Company, then under the Medical Insurance Scheme, the Company may prefer an Appeal to the State Level Empowered Committee or High Level Empowered Committee for redressal of their grievances. Even beyond that, the United India Insurance Company may approach the Government for the purpose of settling the reimbursement amount if it is excessively settled or otherwise. These are all the avenues under the scheme for United India Insurance Company for redressal of the grievances. Contrarily, the Pensioner, who is a member of the Health Insurance Scheme, cannot be driven from pillar to post for the purpose of getting the medical reimbursement claim. Furthermore, the pensioners and members of the Insurance Scheme are not pre-empted to contact between the Government and the Insurance Company. Thus, the District Level Empowered Committee recommendations are to be followed by the United India Insurance Company as per the scheme, if they are aggrieved to approach the State Level Empowered Committee or High Level Empowered Committee or Government as the case may be for the purpose of redressal of their grievances.

3. In the present case, the claim of the writ petitioner was recommended by the District Level Empowered Committee. Therefore, the Insurance Company has to settle the claim at the first instance and thereafter, approach the Appellate Authority if a decision is taken by the Insurance Company.

4. In this view of the matter, the sixth respondent is directed to settle the medical reimbursement claim of the writ petitioner as per the eligibility within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

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(Expenditure), Finance Department,
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2. The Secretary to Tamil Nadu Government,
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212, Anna Salai, Chennai.

7. The District Treasury Officer,
Treasury and Accounts,
Karur.

+1 CC to M/s.RM.SIVAKUMAR, Advocate (SR-9625[F] dated 02/03/2022)
+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9878[F] dated 03/03/2022)
+1 CC to M/s.SPL GP (SR-9765[F] dated 03/03/2022)

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