



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10974 of 2021

D.Pushbam

... Petitioner

vs.

1.The Secretary to Government
Finance (Pension) Department
Government of Tamilnadu
Chennai-9

2.The State Level Empowered Committee
New Health Insurance Scheme-2014
Combined Finance Department Office Complex
Vetnary Hospital Complex
571, Annasalai, Nanthanam
Chennai-600 035

3.The District Treasury Officer
District Treasury
Madurai District, Madurai

... Respondents

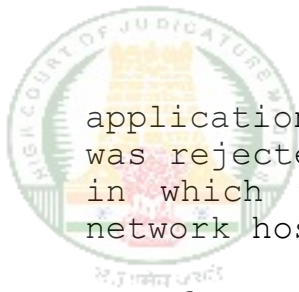
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the entire records in respect of the proceedings of the 3rd respondent in Na.Ka.No.12008/2017/M1 dated Nil.02.2018 (signed on 18.03.2018) and consequently, direct the respondents to sanction the medical reimbursement of Rs.1,30,428/- the medical expenses of the husband of the petitioner namely Mr.Rajamani incurred by the petitioner.

For Petitioner : Mr.Kannan.V.
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

O R D E R

The order of rejection, dated Nil.02.2018, passed by the third respondent, rejecting the claim of the petitioner for medical reimbursement, is under challenge in this writ petition.

2. The petitioner is a pensioner and member of the Health Insurance Scheme. The petitioner's husband underwent medical treatment and as per the Scheme, the petitioner submitted



application for medical reimbursement. The claim of the petitioner was rejected by the third respondent on the ground that the hospital in which the petitioner's husband underwent treatment is a non-network hospital.

3. As per the Scheme, even in case the treatment is underwent in a non-network hospital, if the member of the Scheme is able to establish the emergency care required, then such claims are to be considered in favour of the applicants. In other words, the members of the Health Insurance Scheme are eligible to take treatment in non-network hospital, in case of any emergency care required. Thus, the emergency aspect is to be scrutinized by the District Level Empowered Committee and State Level Empowered Committee, as the case may be.

4. In the present case, the third respondent, who is the member of the District Level Empowered Committee, rejected the claim for medical reimbursement and the petitioner has rightly approached the State Level Empowered Committee, who is the second respondent herein. In view of the fact that the matter is now pending before the State Level Empowered Committee, the emergency aspect is to be considered by the Doctors for the purpose of sanctioning the medical reimbursement claim of the petitioner. As far as the emergency care required for a patient is concerned, it is to be considered only by the expert Doctors and High Court is not a competent Authority nor an expert body to decide such issues, which involves securitization of medical records by the medical experts.

5. This being the factum, the second respondent / State Level Empowered Committee is directed to consider the medical reimbursement claim appeal of the petitioner and decide the same on merits and in accordance with law. In this regard, the petitioner is directed to submit a copy of the appeal along with copy of the documents before the second respondent, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal, the second respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of eight weeks thereafter.

6. With the above directions, the writ petition is disposed of.

Sd/-

Assistant Registrar (Crl)

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/ /2022

Sub Assistant Registrar



To:

1.The Secretary to Government,
Finance (Pension) Department,
Government of Tamilnadu,
Chennai-9.

2.The State Level Empowered Committee,
New Health Insurance Scheme-2014,
Combined Finance Department Office Complex,
Vetnary Hospital Complex,
571, Annasalai, Nanthanam,
Chennai-600 035.

3.The District Treasury Officer,
District Treasury,
Madurai District, Madurai.

+1 CC to M/s.SPL GP (SR-9243[F] dated 01/03/2022)

+1 CC to M/s.V.KANNAN, Advocate (SR-9523[F] dated 02/03/2022)

W.P. (MD) No.10974 of 2021
28.02.2022

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MS/10.03.2022/3P.6C