



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.04.2022

CORAM:

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

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W.P. (MD)No.12972 of 2019

J.Sobitharaj

... Petitioner

Vs.

1.The Secretary to Government,
Secretariat,
Fort St.George,
Chennai.

2.The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai-600 015.

3.The United India Insurance Co. Ltd.,
Rep by its Divisional Manager,
Divisional Office VI,
5th Floor, P.L.A., Rathana Towers,
No.212, Anna Salai,
Chennai-6.

4.The District Level Committee,
Rep by Collector,
At Nagercoil,
Kanyakumari District.

5.The Treasury Officer,
District Treasury
Nagercoil
Kanyakumari District.

6.The Joint Director of Medical and Rural Health Service,
At Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse a sum of Rs.82,893/- being the amount spent by the petitioner for the treatment underwent by the petitioner M.Lilly Bai, who is the wife of the petitioner within a stipulated time fixed by this Court.



For Petitioner : Mr.S.C.Herold Singh
For R1, R2, R4 to R6 : Mr.A.K.Manikkam,
Special Government Pleader
For R3 : Mr.A.Shajakhan

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ORDER

The Writ of Mandamus has been filed to direct the respondents to disburse the medical reimbursement claim of the writ petitioner.

2.The petitioner is a pensioner and the member of New Health Insurance Scheme. The wife of the petitioner suffered ailments and she underwent treatment and therefore, the petitioner filed an application seeking medical reimbursement.

3.The learned Special Government Pleader appearing for the respondents 1, 2 and 4 to 6 contended that the medical claim application submitted by the writ petitioner was considered and duly recommended by the District level Empowered Committee. Despite the fact that the claim petition was recommended by the District level Empowered Committee, the Insurance Company has not settled the amount. Thus, the petitioner is constrained to move the present writ petition.

4.The fact regarding the recommendation made by the District Level Empowered Committee is narrated in para Nos.5 and 6 of the counter affidavit filed by the fifth respondent, which reads as under:

"5.It is submitted that in the end of District Level Empowered Committee, the petitioner medical reimbursement application was accepted by the committee and recommended to the 3rd respondent to disburse the said amount of medical reimbursement vide 5th respondent Lr.No.21977/2015/L2 dated 30.06.2016 based on the recommendation of 6th respondent vide his Lr.No.100/E2/2016 dated 27.06.2016.

6.I submitted that, as per the letter dated 18.07.2016 received from the United India Insurance Co., Ltd., Chennai, the petitioner application was rejected by the following reasons.

a)For the admission in **Lister Hospitals** from 12.03.2016 to 14.03.2016-Treatment taken in non-network hospital need not be considered as per G.O.171, dated 26.06.2014 and letter No.34231 (Pension)/2015/1 dated 01/07/2015 issued by Finance Secretary(Pension) Dept.

b)For the admission in **Dr.Jayasekaran's Hospital** from 14.03.2015 to 21/03/2015 - Original Discharge Summary, original Break up bill of Hospital final bill original cash receipts for Rs.49722/- and a copy of



Annexure IV form/NHIS ID Card.

c) For the admission in **CSI Kanyakumari Medical Mission, Neyyoor,** from 23.03.2015 to 28.03.2015 - Original Death Summary, Original Cash receipts from Rs.20421/-."

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5. In view of the fact that the medical reimbursement claim application submitted by the petitioner was recommended by the District Level Empowered committee, the third respondent United India Insurance Company is bound to settle the amount. If at all they are aggrieved from and out of the decision taken by the District Level Empowered Committee, they are at liberty to prefer an appeal before the State Level Empowered Committee, as per the scheme.

6. Accordingly, the third respondent United India Insurance Company Ltd., is directed to settle the eligible medical reimbursement claim of the writ petitioner, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CO)

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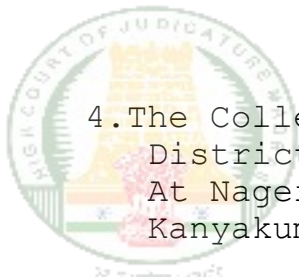
/ /2022

Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,
Secretariat,
Fort St. George, Chennai.
2. The Director of Treasuries and Accounts,
Panagal Buildings,
Saidapet,
Chennai-600 015.
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6.The Joint Director of Medical and Rural Health Service,
At Nagercoil,
Kanyakumari District.

+1 CC to M/s.A. SHAJAHAN, Advocate (SR-20394[F] dated 22/04/2022)

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-20763[F] dated
25/04/2022)

+1 CC to M/s.SPL.GP. (SR-21167[F] dated 26/04/2022)

W.P. (MD) No.12972 of 2019
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RD(13.05.2022) 4P 10C