



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 14604 of 2019

and

W.M.P. (MD) No. 11040 of 2019

S.Sivarani,
Headmistress,
Panchayat Union Primary School,
Kannumaikkipatti,
Guziliamparai Post,
Dindigul District - 624 703.

... Petitioner

Vs.

1. The District Collector,
Office of the District Collectorate,
Dindigul District.
2. The Authorization of Officer,
Authorization Department,
MD India Health Insurance (TPA) Private Limited,
Dindigul District.
3. The Medical Director,
Vellammal Medical College Hospital and Research Institute,
Madurai - Thoothukudi Ring Road,
Vellammal Village,
Madurai.
4. The United India Insurance Company Limited,
The Guna Complex,
No.443 and 445 Anna Salai,
Teynampet,
Chennai - 600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned communication addressed to the third respondent in Number: IN 191018 57 dated 19.10.2018 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to reimburse the Medical Insurance Claim of Rs.95,505/- (Rupees Ninety Five Thousand Five Hundred and Five Only).



For Petitioner : Mr.S.Louis
For Respondents : Mr.D.Sadiq Raja
Additional Govt Pleader for R1
Mr.S.Mariappamurali for R2
Mr.L.Shaji Chellan for R3
Mr.A.Shajahan for R4

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ORDER

The rejection of the claim for medical reimbursement to the petitioner is under challenge in the present Writ Petition.

2. The petitioner is working as a Headmistress in the Panchayat Union Primary School. She enrolled herself in the Government of Tamil Nadu New Health Insurance Scheme 2016 and she is paying her contribution. Thus, the petitioner is eligible for medical reimbursement. The son of the petitioner one Suriya Prabhu was admitted as inpatient at Velammal Medical College Hospital, Madurai and underwent surgery in his right knee on 18.10.2018 and he was discharged from the hospital on 23.10.2018. The petitioner submitted an application for medical reimbursement along with the documents. The said application was rejected on the ground that the son of the petitioner is not eligible, as he is aged about 25 years.

3. Though the learned counsel appearing for the petitioner stated that he has enclosed G.O.(Ms).No.202, Finance (Salaries) Department dated 30.06.2016 along with the typed set of papers, the same has not been found in the case papers.

4. Under these circumstances, the learned counsel appearing on behalf of the fourth respondent / Insurance Company furnished the complete set of G.O.(Ms).No.202, Finance (Salaries) Department dated 30.06.2016 along with the annexures and more specifically, Annexure 1 speaks about implementation procedures for New Health Insurance Scheme 2016. Paragraph 4 to Annexure 1 stipulates that the family members of the employee shall be covered under the New Insurance Health Scheme 2016. As per sub clause (ii) "children of the employee till they get employed or married or attain the age of 25 years whichever is earlier and dependent on the employee". When the conditions are specific regarding the eligibility, then the scheme is to be implemented scrupulously with reference to the terms and condition stipulated.

5. It is a Health Fund Scheme and the medical reimbursement is to be granted only to the eligible persons as per the terms and conditions of the scheme. When the son of the petitioner admittedly crossed the age of 25 during relevant point of time, the claim for medical reimbursement was rightly rejected by the respondents.

6. The learned counsel appearing for the petitioner submitted that the subsequent order issued by the Government in G.O. Services, Govt. of Tamil Nadu.



(Ms).No.293, Finance (Health Insurance-I) Department dated 30.12.2021 and contended that as per the new Government Order, the petitioner is entitled. However, paragraph 9 of the Government Order unambiguously stipulates that "this order shall take prospective effect". Therefore, G.O.(Ms).No.293 dated 30.12.2021 cannot be applied retrospectively so as to cover the cases which were already rejected based on earlier G.O.Ms.No.202, Finance (Salaries) Department dated 30.06.2016.

7. In view of the facts and circumstances, the order of rejection is in consonance with the terms and conditions of the Health Fund Scheme and the petitioner has not established any acceptable ground for interference.

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

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

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2. The Authorization of Officer,
Authorization Department,
MD India Health Insurance (TPA) Private Limited,
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3. The Medical Director,
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Madurai.
4. The United India Insurance Company Limited,
The Guna Complex,
No.443 and 445 Anna Salai,
Teynampet,
Chennai - 600 018.



+1 CC to M/s.A.SHAJAHAN, Advocate (SR-6666[F] dated 17/02/2022)

+1 CC to M/s.S.LOUIS, Advocate (SR-7213[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7513[F] dated 21/02/2022)

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-6703[F] dated 17/02/2022

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