



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.5577 of 2019

and

W.M.P. (MD) Nos.4400 & 4401 of 2019

P.Joy Bell

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Finance Department,
Chennai-600 009.

2.MD India Health Insurance TPA(P) Limited,
Guna Complex,
443, Anna Salai, Teynampet,
Chennai-600 018,
Rep.by its AGM Operations.

3.The Director of Treasuries and Accounts,
3rd Floor, Veterinary Hospital Campus,
Anna Salai, Nandanam,
Chennai-600 035.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records to the impugned Denial of Authorization Letter dated 08.12.2018 and the consequential rejection order in Ref:GTM137/TNNHIS/2/2019 dated Nil (received on 12.02.2019) issued by the second respondent and to quash the same as illegal and consequently, direct the respondents to reimburse a sum of Rs.16,196/- towards cost incurred by the second respondent to approve the proposals to be submitted by the hospital for her Future treatment connected with Low Grade Papillary Urothelia TCC[T1G1] i.e., bladder cancer.

For Petitioner : Mr.B.S.G.Bash
for Mr.M.E.Ilango

For Respondent : Mr.A.K.Manikkam
Special Government Pleader
for R1 & R3
No-appearance for R2



O R D E R

The order impugned dated 12.02.2019 issued by the second respondent reveals that the procedures regarding the reimbursement request to be followed or narrated.

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2. It is brought to notice of this Court that in respect of claim already made, the grievances of the petitioner were redressed. However, the petitioner seeks certain assurance in respect of future claims, if any made by the petitioner. The petitioner cannot file a writ petition based on presumption and assumption. In the absence of establishing the definite cause of action, no writ needs to be entertained. In the present writ petition, the petitioner has not stated that he has filed an application for medical reimbursement. The claim petition earlier filed was already settled. In the absence of any claim application, the question of considering the future claim would not arise at all. However, the respondents have narrated the procedures to be followed for the purpose of dealing with the medical reimbursement claim and such an established procedure as per the Government Order need not be interfered with by the Courts as the Medical Reimbursement Claim is a policy decision taken. Under these circumstances, in the event of any grievance, the petitioner is at liberty to approach the Competent Authority in the manner known to law. As far as the relief sought for in the writ petition is concerned, there is no cause of action and the petitioner has not filed any application for medical reimbursement and mere procedures informed to the petitioner cannot be construed as a cause for the purpose of entertaining the writ petition. However, it is made clear that if the petitioner is otherwise eligible in accordance with the Government Order, he shall make an application for appropriate relief before the competent authority.

3. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (T&P)

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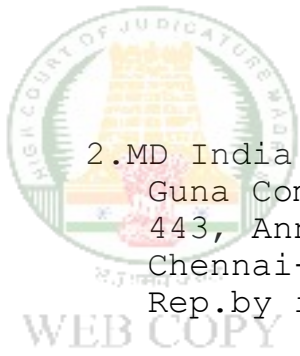
Sub Assistant Registrar(CS)

ssb

To

1.The Secretary to Government,
Finance Department,
Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.MD India Health Insurance TPA(P) Limited,
Guna Complex,
443, Anna Salai, Teynampet,
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Rep.by its AGM Operations.

3.The Director of Treasuries and Accounts,
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Chennai-600 035.

+1 CC to M/s.M.E.ILANGO, Advocate (SR-4938[F] dated 09/02/2022)

+1 CC to M/s.SPL.GP (SR-4980[F] dated 09/02/2022)

W.P.(MD) No.5577 of 2019

08.02.2022

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