



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.13142 of 2021

Freeda Josephin

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to the Government of Tamil Nadu,
Finance and Pension Department,
Chennai.
- 2.The Commissioner,
Treasury and Accounts,
III Floor, Combined Office Campus,
Nandhanam Road, Chennai - 600 035.
- 3.The District Treasury Officer,
Treasury and Accounts,
Madurai Collectorate Campus,
Madurai.
- 4.The Director of Health Service,
Madurai at Usilampatti,
Madurai District.
- 5.The Manager,
United India Insurance Company Ltd.,
No.7A, West Veli Street,
TVS Building II Floor,
Opp. to Madurai Railway Station,
Madurai - 625 001.
- 6.Velammal Medical College Hospital and
Resource Institute,
Rep. by the Director and Dean,
Velammal Village,
Madurai - Tuticorin Ring Road,
Anuppanadi,
Madurai - 625 009.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the

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respondents 2 to 5 to reimburse the medical expenses incurred by the petitioner and her family members for a sum of Rs.5,66,595/- to the petitioner based on G.O.Ms.No.280, dated 24.06.2020 and the petitioner's representation dated 11.09.2020, within a stipulated time limit.

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For Petitioner	:Mr.C.Mayilvahana Rajendran
For R1 to R4	:Mr.S.Shaji Bino Special Government Pleader
For R5	: Mr. Shajahan
For R6	: Mr.Shaji Chellan

O R D E R

This writ petition is filed for reimbursement of medical expenses incurred by the petitioner for taking treatment for COVID 19.

2.The case of the petitioner is that she is working as Post Graduate Assistant at Panchayat Union Middle School, Sunnambur, Melur, Madurai and paid monthly subscription for the Government of Tamil Nadu, New Health Insurance Scheme, 2016, regularly, through the Department. The petitioner, her husband and daughter suffered with COVID -19 in the month of August, 2020 and they took treatment at the sixth respondent Hospital. During the course of treatment, she incurred medical expenses for a sum of Rs.5,66,595/-. In order to claim the same, she submitted a representation along with all relevant records and medical bills to the respondents 2 to 4 on 11.09.2020. Since there is no response, she has filed the present writ petition.

3.The learned Special Government Pleader submits that certain guidelines have been prescribed for disbursement of medical claim insofar as COVID-19 is concerned, vide G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020 and as per the guidelines, the competent authority is the Commissioner of Treasury Department/second respondent herein. Therefore, the second respondent has to take a decision with regard to the claim of the petitioner.

4.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

5.Admittedly, the Government has issued certain guidelines vide G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020, as follows:-

"iv) Payments to non-empanelled Hospitals:- United India Insurance Company Limited shall make payments as per the above rates as per para 4 (I) for critical care for COVID positive cases even in non-empanelled



hospitals, as these treatments will come under the Emergency clause of the New Health Insurance Scheme, after getting orders from the District Level Empowered committee on appeal cases. With respect to non-critical care, Government employees and pensioners shall restrict their treatments to empanelled hospitals for the benefit of patient welfare.

v)...

vi) Government Employees/Pensioners, who have already taken treatment for Non-critical COVID care in empanelled Hospitals from 01.03.2020 to till date are directed to submit their claims for reimbursements by appealing to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall recommend to the United India Insurance Company Limited to reimburse the payment from the Corpus fund provided by the Government."

6.In view of the above position and since the petitioner has already made a representation along with all relevant documents to the second respondent / Commissioner of Treasuries and Accounts, Chennai, who is the competent authority as per the Government order in G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020, the said authority shall take a decision on the claim of the petitioner, within a period of six weeks from the date of receipt of a copy of this order and make a recommendation to the fifth respondent, if the petitioner is otherwise found eligible. On receipt of such recommendation, the fifth respondent shall disburse the eligible amount to the petitioner within a further period of four weeks thereon.

7.With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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



To

1.The Secretary to the Government,
State of Tamil Nadu,
Finance and Pension Department,
Chennai.

2.The Commissioner,
Treasury and Accounts,
III Floor, Combined Office Campus,
Nandhanam Road, Chennai - 600 035.

3.The District Treasury Officer,
Treasury and Accounts,
Madurai Collectorate Campus,
Madurai.

4.The Director of Health Service,
Madurai at Usilampatti,
Madurai District.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-826[F] dated 07/01/2022)

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-835[F]
dated 07/01/2022)

+1 CC to M/s.M/S.MARIAPPA MURALI, Advocate (SR-892[F]
dated 10/01/2022)

Order made in
W.P(MD) No.13142 of 2021
06.01.2022

KS (CO)
GC (02.03.2022) 4P 8C