



WP(MD)No.13085 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2022**

CORAM:

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

W.P.(MD)No.13085 of 2022

M.M.Mustafa

... Petitioner

/Vs./

- 1.The Secretary,
Government of Tamil Nadu,
Finance (Pension) Department,
St George Fort, Chennai-600 009.
- 2.The Commissioner,
Treasury and Accounts Department,
Amma Complex 3rd Floor,
Nandanam, Annasalai,
Chennai-600 035.
- 3.The District Collector,
Tenkasi District, Tenkasi.
- 4.The District Treasury Officer,
District Treasury Office, Tenkasi.
- 5.The Senior Divisional Manager,
United India Insurance Company,
Divisional Office-VI,
5th Floor, PLA Rathna Tower,
212, Anna Salai, Chennai-600 006.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in RC.No.23549/NHIS-3/2021 (Serial-2) dated 30.12.2021 passed by the 2nd respondent and quash the same as illegal and consequently, directing the respondents to provide Medical reimbursement Rs.2,52,117/- to the petitioner towards the medical expenses incurred for the treatment of Covid-19.

For Petitioner : Mr.T.Indrachithu
For R1 to R4 : Mr.R.Ragavendran,
Government Advocate.
For R5 : Mr.C.Karthik
Standing Counsel

ORDER

Through the impugned order dated 30.12.2021, the petitioner's claim for medical reimbursement for the expenses incurred for testing positive for Covid-19 Virus, was rejected by the 2nd respondent herein on the ground that treatment was non-critical in nature and the treatment was taken in a non-network hospital.



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2. At that time, when the impugned order was passed, there was no regulation, facilitating the claim for reimbursement for COVID-19 positive cases. However, subsequently, the Government, in G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, had accepted the proposals of the Commissioner of Treasuries and Accounts for reimbursement of expenses incurred for COVID-19 cases. The relevant portion of the aforesaid Government Order is extracted hereunder:

“8. The Government after careful examination of the proposal of Commissioner of Treasuries and Accounts, have decided to accept the same and accordingly issue the following orders:-

(i) Sanction is accorded for an adhoc amount of Rs. 10.00 crore (Rupees ten crore only) to clear the claims of the eligible expenses incurred by the Government Employees and their eligible family members and Pensioners (including spouse) / Family Pensioners under Non-Critical COVID care treatment undertaken in Non-Network hospitals by creating two Corpus Funds one for Rs.6.00 crore [Rupees six crore only] for Pensioners (including spouse) / Family Pensioners and Rs.4.00 crore [Rupees four crore only] for Government Employees and their eligible family members considering the welfare of the Employees/ Pensioners. There shall be no change in the existing modalities followed in



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respect of reimbursement claims settled by United India Insurance Company Limited from the funds released by Government under these Corpus Fund.

(ii) Government Employees/Pensioners who have already taken treatment for Non-Critical COVID care in Non-empanelled Hospitals from 01.03.2020 till date are directed to submit their claims for to reimbursements by applying to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall forward the applications along with documents to the United India Insurance Company Limited to reimburse the eligible amount from the Corpus Fund provided by the Government as is followed as per the G.Os first and second read above without reference to the District Level Empowered Committee.”

3.Since the Government Order was not in existence when the impugned order was passed, the order cannot be strictly found fault with. However, in view of the subsequent passing of the Government Order in G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, the petitioner would be entitled for reimbursement of the medical expenses incurred by him in this regard. Through the present impugned order, the application was returned to the petitioner herein by the second respondent.



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4. Accordingly, the petitioner is at liberty to re-submit his application to the second respondent herein and on receipt of such application, the second respondent shall scrutinize and forward the same to the fifth respondent and accordingly, reimburse the eligible amount incurred by the petitioner, in accordance with G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above observations, this Writ Petition stands allowed. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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To:

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Order made in
W.P.(MD)No.13085 of 2022

Dated:
29.08.2022