



WP(MD)No.13960 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.13960 of 2022
and
W.M.P.(MD)No.9932 of 2022

A.Uma Maheswari

... Petitioner

/Vs./

1.The District Collector,
Thoothukudi District.

2.The Commissioner of Treasuries and Accounts,
Integrated Finance Complex,
No.571, Anna Salai, Nandanam,
Chennai-600 035.

3.The United India Insurance Company Ltd.,
Represented by its Senior Divisional Manager,
Divisional Office-VI,
PLA Rathina Towers, 5th Floor,
No.212, Anna Salai, Chennai.

4.The Joint Director (Health),
166, North Seashore Road,
Thoothukudi.

5.The Treasury Officer,
District Treasury, Thoothukudi.

... 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 pertaining to the order passed by the 3rd respondent vide his rejection order dated 13.01.2022 communicated through the 1st respondent vide his letter in Na.Ka.Ke4/31588/2021, dated 28.01.2022, by rejecting the petitioner's medical claim application made to the tune of Rs.2,14,500/- and quash the same and consequently, direct the 2nd and 3rd respondents to reimburse the same as per the petitioner's medical bill 03.06.2021 in the light of the order passed by this Court in W.P.(MD)No.10991 of 2022, dated 17.06.2022.

For Petitioner : Mr.R.Anand
For R1, 2, 4 & 5 : Mr.G.Suriyananth,
Additional Government Pleader
For R3 : Mr.A.Shajahan,
Standing Counsel

ORDER

The petitioner claims for medical reimbursement for the medical expenses undertaken by her for her treatment in connection with Covid-19 virus, came to be rejected by the Insurance Company as well as the first respondent herein.



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2.It is pertinent to point out that while the Government has issued 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 her in this regard.

3.However, the Insurance Company, the third respondent herein had rejected the petitioner's claim through the impugned order dated 13.01.2022 on the ground that the treatment taken in the hospital was a non-network hospital and subsequently, the first respondent herein had also rejected the said claim on 28.01.2022.

4.The issue as to whether the medical reimbursement can be rejected on the ground that the treatment was not taken in network hospital or that the ailment/treatment/surgery was not scheduled one, has already been dealt with in various decisions of this Court, whereby it has been held that such rejection on the ground of non-network hospital or non-scheduled ailment/treatment/surgery cannot be a ground for rejection.



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5. The next question that arises for consideration is that who would be liable to reimburse the medi-claim raised by the petitioner herein. The Government, in G.O.Ms.No.423, Health and Family Welfare (Z1) Department, 22.06.1995 had ordered that whenever the hospital is not covered or the treatment is not enlisted under the New Health Insurance Scheme, the Government Employees and the pensioners would be entitled to make the medi-claim with the Government under the Tamil Nadu Medical Attendance Rules (hereinafter referred to as “the Rules” for brevity) for reimbursement. The rates fixed by the Government under the Rules have also been revised subsequently in G.O.Ms.No.401, Health and Family Welfare (Z1) Department, dated 09.09.2021, by making a reference to their liability, under G.O.Ms.No.423, Health and Family Welfare (Z1) Department, dated 22.06.1995.

6. Thus, when the ailment/treatment/surgery undertaken by the Government Employees and Pensioners either not in one of the network hospitals or it is not scheduled one, the State Government would be liable to reimburse the eligible claim of such Government Employees and Pensioners, in accordance with the rates prescribed under the Rules.



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7.In the light of the aforesaid Government Orders, the impugned order of the third respondent, dated 13.01.2022 and the impugned order of the first respondent herein dated 28.01.2022 cannot be sustained and the Government Employee / Pensioner would be entitled for reimbursement from the State Government, in accordance with the rates prescribed under the Rules.

8.Accordingly, the impugned order of the third respondent/Insurance Company, dated 13.01.2022 and the impugned order of the first respondent herein dated 28.01.2022 are hereby quashed and there shall be a direction to the respondents 1, 2, 4 & 5, to reimburse the eligible amount for the medical expenses incurred for the treatment undergone by the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order. This Writ Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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To:

- 1.The District Collector,
Thoothukudi District.
- 2.The Commissioner of Treasuries and Accounts,
Integrated Finance Complex,
No.571, Anna Salai, Nandanam,
Chennai-600 035.
- 3.The Joint Director (Health),
166, North Seashore Road,
Thoothukudi.
- 4.The Treasury Officer,
District Treasury, Thoothukudi.

Order made in
W.P.(MD)No.13960 of 2022

Dated:
29.08.2022