



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.16221 of 2021

K.Mohamed Musthafa

..Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Commissioner of Treasuries and Accounts,
Amma Complex, III Floor,
No.571, Nandhanam, Anna Salai,
Chennai - 600 035.

3.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office VI,
5th Floor, PLA Rathna Tower,
212, Anna Salai,
Chennai - 600 006.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to reimburse the medical claim of Rs.2,70,000/- together with interest at the rate of 12 % pa to the petitioner, within a stipulated time limit.

For Petitioner : Mr.K.Appadurai

For R1 & R2 : Mr.S.Shaji Bino
Special Government Pleader

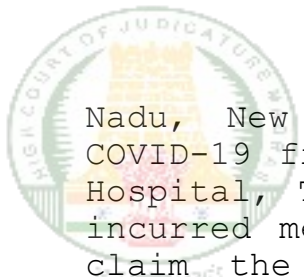
For R3 : Mr.A.Shajahan

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 he is a retired Headmaster and is paying the monthly subscription for the Government of Tamil

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



Nadu, New Health Insurance Scheme, regularly. He suffered with COVID-19 from 29.05.2021 and took treatment at Krishammal Memorial Hospital, Theni for seven days. During the course of treatment, he incurred medical expenses for a sum of Rs.2,70,000/-. In order to claim the same, he submitted a representation along with all relevant records and medical bills to the respondents on 28.07.2021. Since there is no response, he 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. 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.

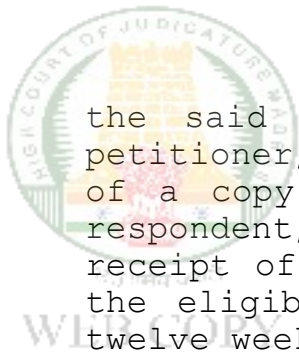
5.Admittedly, the Government has issued certain guidelines vide G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020, as follows:-

"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



the said authority shall take a decision on the claim of the petitioner, within a period of four weeks from the date of receipt of a copy of this order and make a recommendation to the third respondent, if the petitioner is otherwise found eligible. On receipt of such recommendation, the third respondent shall disburse the eligible amount to the petitioner within a further period of twelve weeks thereon.

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

Sd/-

Assistant Registrar (writs)

// 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.

To

1. The District Collector,
Theni District.

2. The Commissioner of Treasuries and Accounts,
Amma Complex, III Floor,
No.571, Nandhanam, Anna Salai,
Chennai - 600 035.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-828[F] dated 07/01/2022)

+1 CC to M/s.SPL.GP (SR-735[F] dated 07/01/2022)

Order made in
W.P(MD) No.16221 of 2021
06.01.2022

PKP/25.02.2022/3P/5C