



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

W.P (MD) No.16547 of 2020

and

W.M.P (MD) No.13838 of 2020

S.Vishnu Sankar

: Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Tenkasi District at Tenkasi.

4.The District Educational Officer,
Tenkasi, Tenkasi District.

5.The District Empowered Committee,
Represented by the Joint Director of Health Services,
Tenkasi District at Tenkasi.

6.The Managing Director,
United India Insurance Company Limited,
MDindia Healthcare Services (TPA) Private Limited,
No.27, Lakshmi Towers 3rd Floor,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

7.The Sub Treasury Officer,
Shenkottai, Tenkasi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents 1 to 4 to disburse a sum of Rs.1,83,948/- (Rupees One Lakh Eighty Three Thousand Nine Hundred and Forty Eight Only) towards the medical reimbursement to the petitioner with interest at the rate of 12% within the stipulated time as may be prescribed by this Court.



For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.P.T.Thiraviam,
1 to 5 & 7 Government Advocate
For Respondent : Mr.Shajahan
No.6

WEB COPY

ORDER

This writ petition has been filed seeking for a direction to the respondents to reimburse the amount incurred by him towards medical treatment.

2.The learned Counsel for the petitioner submits that the petitioner is a P.G.Assistant and a subscriber to the Government Health Insurance Scheme. The petitioner has spent a sum of Rs.1,83,948/- towards the surgery undergone by him for the chest pain / heart attack. Further he has made application to the District Level Empowered Committee seeking reimbursement under the Scheme. However, the Committee has rejected his claim on the ground of non-network hospital.

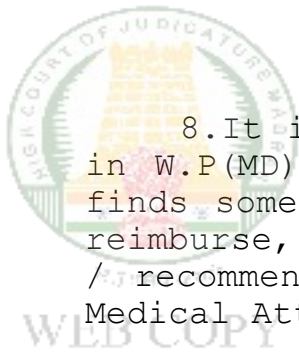
3.While so, the learned Counsel for the petitioner has made an alternate plea that in the event of this Court is not inclined to order for medical reimbursement under the Government Health Insurance Scheme, then the matter shall be referred to the Health Department under the Tamil Nadu Medical Attendance Rules.

4.Mr.Shajahan, learned Standing Counsel for the Insurance Company submits that the New Health Insurance Scheme is being implemented as per the agreement entered into between the Government and the Insurance Company. As per the terms and conditions of the said agreement, if treatment is taken in a non-network hospital by a person, he cannot claim reimbursement.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.The petitioner has undergone a surgery and made claim under the Government Health Insurance Scheme, which was not considered by the respondent Insurance Company that he has taken treatment in a non network hospital. It appears that the District Level Empowered Committee has also rejected his request on the same ground.

7.The Government Health Insurance Scheme is implemented as per the agreement entered into between the Government and the Insurance company. As per the agreement, the persons who are taking treatment in a non-network hospital are not entitled for reimbursement. As rightly pointed by the learned Counsel for the petitioner, if the petitioner is not entitled for reimbursement under the Government Health Insurance Scheme, then the petitioner is entitled for reimbursement as per the Tamil Nadu Medical Attendance Rules.



8.It is also seen that this Court in a batch of Writ Petitions in W.P(MD)No.13429 of 2013 etc..., has held that if the Committee finds some cases where the Insurance Company cannot be directed to reimburse, in those cases, suitable orders shall be passed directing / recommending the State authorities to reimburse the claim under Medical Attendance Rules.

9.The Tamil Nadu Medical Attendance Rules are also amended and the rate is also revised with effect from 09.09.2021. Therefore, the writ petition is disposed of with a direction to the respondents 2 to 5 to decide the case of the petitioner under the Tamil Nadu Medical Attendance Rules and disburse the eligible amount to the petitioner within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

1.The Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Tenkasi District at Tenkasi.

4.The District Educational Officer,
Tenkasi, Tenkasi District.

5.The District Empowered Committee /
The Joint Director of Health Services,
Tenkasi District at Tenkasi.

6.The Sub Treasury Officer,
Shenkottai,
Tenkasi District.

+1 CC to M/s.SPL.GP (SR-3681[F] dated 02/02/2022)