



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18204 of 2019

and

W.M.P. (MD) No.14632 of 2019

M.Selvaraj

... Petitioner

Vs.

- 1.The State Government,
Rep.by its Secretary,
The Department of Finance (Salaries)
Fort St.George, Chennai-600 009.
- 2.The District Collector,
Tirunelveli, Tirunelveli District.
- 3.The Joint Director,
(District Level Empowering Committee)
Medicine and Rural Health and
Family Welfare Department,
Tirunelveli District @ Tenkasi.
- 4.The District Treasury Officer,
District Treasury Office,
Tirunelveli-627 002,
Tirunelveli District.
- 5.The Sub-Treasury Officer,
Sub-Treasury Office,
Palayamkottai @ Tirunelveli,
Tirunelveli District-627 002.
- 6.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office-VI,
No.212, Pala Rathna Towers, 5th Floor,
Anna Salai, Chennai-600 006.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent District Treasury Officer, Tirunelveli District in Na.Ka.2254/2018/No.1 dated 25.07.2018, quash the same and further



direct the respondents 1 to 6 forthwith to reimburse the medical expenses to the petitioner towards the treatment and surgery undergone by his wife for Angioplasty and PTA stent at Kerala Institute of Medical Sciences, (KIMS), Trivandrum, Kerala State to the tune of Rs.2,25,927.95/- (Rupees Two Lakhs Twenty Five Thousand Nine Hundred Twenty Seven and Ninety Five Paise).

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader
for RR1 to 5
No-appearance for R6.

O R D E R

The order of rejection rejecting the claim of the petitioner for medical reimbursement is under challenge in the present writ petition.

2. The petitioner was working as Physical Education Teacher and he retired from service on 31.12.2016. He is a pensioner. His wife namely Y.Vanaja was working as a Steno-typist in Additional District Mahila Court, Tirunelveli. Since she was suffering from continuous Heart problem, she was allowed to retire from service on Medical Invalidation with effect from 26.05.2017. While so, the wife of the petitioner was suffering with sudden chest pain. She was admitted at Tirunelveli Government Hospital on 01.08.2017. Since the condition of his wife was very critical, the Cardiologist in the Government hospital advised to immediate Coronary Angiogram + Angioplasty Surgery. Further, the petitioner advised to take his wife to a Cardio Speciality Hospital for the effective treatment to save her life. Thus, the petitioner admitted his wife in one of the leading speciality Hospital in Kerala Institute of Medical Sciences (KIMS) Hospital, Anayara Post, Thiruvananthapuram on 30.08.2017. She underwent Angioplasty and P.T.C.A Stent in the heart. She was discharged on 02.08.2017. The total costs of the treatment provided was Rs.2,25,975.25%.

3. The petitioner is a member of the New Health Insurance scheme and submitted an application for reimbursement. The respondents rejected the claim of the petitioner on the ground that the treatment undertook by the wife of the petitioner is not covered under the list of treatments and procedures provided in the Government order. Therefore, the petitioner is not entitled for medical reimbursement.

4. The learned counsel for the petitioner drew the attention of this Court with reference to the discharge summary issued by the hospital. As per the discharge summary, the wife of the petitioner



undergone the treatment of Coronary Angiogram + Angioplasty Surgery and Final Diagnosis found in the discharge summary issued by the hospital is "CAD-Triple Vessel Disease, Successful PTCA to LCX and LAD". The discharge summary clearly states that the wife of the petitioner underwent Angioplasty and PTCA Stent. The said procedure is very much listed out in Annexure-2 of the list of Accredited Treatments and Surgeries under the New Health Insurance Scheme, 2014, for pensioners. In Clause (1), Serial No.4(D) provides "Angioplasty and PTCA stent". When the treatment undertaken by the wife of the petitioner is very much contemplated in the list of Accredited Treatments, the petitioner is entitled for medical reimbursement claim. Thus, the order of rejection was issued without verifying the nature of treatment undergone and list of Accredited Treatments provided in Annexure-II to the Government orders. Hence, the order passed by the fourth respondent in proceedings in Na.Ka.2254/2018/No.1 dated 25.07.2018 is quashed.

5. Accordingly, the Writ Petition stands allowed. The respondents are directed to settle the medical reimbursement claim of the petitioner as per his eligibility within a period of eight weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Secretary,
The State Government,
The Department of Finance (Salaries)
Fort St.George, Chennai-600 009.
- 2.The District Collector,
Tirunelveli, Tirunelveli District.
- 3.The Joint Director,
(District Level Empowering Committee)
Medicine and Rural Health and
Family Welfare Department,
Tirunelveli District @ Tenkasi.

- 4.The District Treasury Officer,
District Treasury Office,

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



Tirunelveli-627 002,
Tirunelveli District.

5.The Sub-Treasury Officer,
Sub-Treasury Office,
Palayamkottai @ Tirunelveli,
Tirunelveli District-627 002.

6.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office-VI,
No.212, Pala Rathna Towers, 5th Floor,
Anna Salai, Chennai-600 006.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-5108[F] dated
09/02/2022)

+1 CC to M/s.SPL GP (SR-5351[F] dated 10/02/2022)

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SVN(CO)
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