



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.17749 of 2021

Kalavathi

Petitioner

Vs.

- 1.The Secretary,
Government of Tamil Nadu,
Finance (Pension) Department,
Fort St.George,
Chennai.
- 2.The Commissioner,
Treasury and Accounts Department,
Amma Complex, III Floor,
Nandhanam, Anna Salai,
Chennai - 600 035.
- 3.The General Manager,
United India Insurance Company Ltd.,
Divisional Office IV,
PLA Rathna Towers 5th Floor,
Anna Salai, Chennai.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the third respondent to provide medical reimbursement of Rs.3,50,500/- to the petitioner towards the medical expenses incurred by her for the treatment of her husband Periyakaruppan (late) under the New Health Insurance Scheme 2014, by considering her representation dated 14.08.2021, within a stipulated time limit.

For Petitioner : Mr.K.S.Durai Pandian

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 the treatment of her husband for COVID 19.

2.The case of the petitioner is that her husband is a retired Deputy Superintendent of Police and he has paid the monthly subscription for the Government of Tamil Nadu, New Health Insurance Scheme, 2016, regularly, through the Department. The petitioner's husband suffered with COVID -19 in the month of July, 2020 and took treatment at Bharathi Hospital, Madurai. Despite the intensive care treatment, her husband died on 01.08.2020. The petitioner has spent a sum of Rs.3,50,500/- for her husband's treatment. In order to claim the same, she submitted a representation along with all relevant records and medical bills, which was forwarded by the second respondent to the third respondent for disbursement. But then, there is no response and therefore, she 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 third respondent / Insurance Company is to settle the claim of the petitioner. He further submitted that the second respondent / Commissioner has already forwarded the petitioner's claim to the third respondent for necessary disbursement.

4.The learned Counsel appearing for the third respondent / Insurance Company submitted that the claim of the petitioner has to be recommended by the District Level Empowered Committee and only then, they can disburse the reimbursement.

5.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

6.Admittedly, the Hospital in which the petitioner's husband took treatment, viz., M/s.Bharathi Hospital, Madurai, is an Empaneled Hospital. His condition was very critical and that is why, within five days of his admission in the Hospital, he died. The Government has issued certain guidelines vide G.O.Ms.No.280, Finance (Salaries) Department, dated 24.06.2020, for reimbursement and insofar as critical care - empaneled Hospital is concerned, the Government Ordered as follows:-

"4. ...

i) With respect to Critical care, (ICU Ventilated & ICU Non Ventilated)

a) The United India Insurance Company Limited shall make payments to all COVID positive cases that receive critical care as per the package rates for

<https://hcservices.ecourts.gov.in/hcservices/> procedures covered under the New Health



Insurance Scheme, subject to a ceiling of Rs.4 lakhs.

.... .

iii) Payments to empaneled Hospitals:-

a) For critical care, United India Insurance Company Limited shall make payments to empaneled hospitals as per the recommended rates in para 4(i) above from the New Health Insurance Scheme account."

7.In view of the above position, the third respondent / Insurance Company ought to have reimbursed the claim of the petitioner. In fact, the second respondent / Commissioner of Treasuries has also forwarded the claim of the petitioner for reimbursement. Even then, it appears that the petitioner's claim is still pending consideration.

8.Under such circumstances, the third respondent / Insurance Company is directed to disburse the eligible amount to the petitioner, in the light of the communication received from the second respondent dated 15.03.2021, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (DR-A/C)

// 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 Secretary,
Government of Tamil Nadu,
Finance (Pension) Department,
Fort St.George,
Chennai.



2.The Commissioner,
Treasury and Accounts Department,
Amma Complex, III Floor,
Nandhanam, Anna Salai,
Chennai - 600 035.

WEB COPY

3.The General Manager,
United India Insurance Company Ltd.,
Divisional Office IV,
PLA Rathna Towers 5th Floor,
Anna Salai, Chennai.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-827[F] dated 07/01/2022)

+1 CC to M/s.SPL.GP (SR-736[F] dated 07/01/2022)

W.P (MD) No.17749 of 2021
06.01.2022

RK(03/03/2022) 4P 6C