BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.18561 of 2021

A.Parameshwaran ... Petitioner

Vs.

1.The Commissioner of Treasuries and Accounts,
Integrated Finance Department Complex,
3rd Floor, Veterinary Hospital Complex,
Nandanam, Chennai-600 035.

2.The Director of Health and Rural Health Service,
No.361, Anna Salai,
DMS Complex, Teynampet,
Chennai-600 018.

3.United India Insurance Company,
Divisional Office VI,
No.212, Pala Rathna Towers,
5th floor, Anna Salai,
Chennai-600 005. ... Respondents

(R3 is *suo motu* impleaded as per the order of this Court dated 28.02.2022)

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents i.e. Members of the State Level Empowered Committee i.e. the Commissioner of Treasuries and Accounts Chennai and the Director of Medical and Rural Health Services Chennai to arrange to disburse the amount of Rs.94,087/- to the petitioner by the Government under Tamil Nadu Medical Attendance Rules as per letter R.C.No.4277/2019/M1 dated 15.11.2019 of the Treasury Officer, District Treasury, Madurai within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents: Mr.D.Sadiq Raja
Additional Government Pleader
for RR1 and 2
Mr.A.Shajahan for R3

ORDER

The Writ of Mandamus has been filed to direct the respondents/Members of the State Level Empowered Committee to disburse the amount of Rs.94,087/-under the New Health Insurance Scheme.

2. The petitioner was serving as Village Administrative Officer, Othakadai Firka, Madurai and he retired from service on 31.05.2005. The wife of the petitioner was admitted in Apollo Hospital, Madurai on five occasions and she underwent medical treatment. She was treated as in-patient and the petitioner incurred medical expenses of Rs.94,087/-. The application for medical reimbursement was submitted. The District Level Empowered Committee, in proceedings dated 15.11.2019, recommended the case of the writ petitioner under the New Health Insurance Scheme, 2018. The recommendation of the District Level Empowered Committee reveals that a request was made to the United India Insurance Company Limited to take necessary action for settlement to the petitioner and intimate the same to the office of the respondents. Inspite of the recommendations made by the District Level Empowered Committee, the Insurance Company has not settled the medical reimbursement claim of the writ petitioner. Thus, the petitioner was constrained to move the present Writ Petition.

3. It is made clear that the District Level Empowered Committee is the Competent Committee to decide the issues regarding the genunity of the claim. Further, the Representative of the Insurance Company is also the Official member of the District Level Empowered Committee, as per the Policy. While so, if at all any objection, the Insurance Company has to raise such objection before the Committee itself. Once the Committee recommended the case as genuine, the Insurance Company cannot turn around for settlement of the medical reimbursement claim and take an independent decision overlooking the decision taken by the District Level Empowered Committee. The policy does not contemplate or provide any such power to the Insurance Company, in view of the fact that the Authorised Representative is the Official member of the Committee. Therefore, the Insurance Company cannot take a decision contrary to the decision taken by the District Level Empowered Committee. However, there is an option for the Insurance Company to approach the State Level Empowered Committee as the Scheme contemplates an appeal as against the order passed by the District Level Empowered Committee. Thus, the Insurance Company is at liberty to approach the State Level Empowered Committee for redressal of their grievances. Beyond such remedy, the Insurance Company is at liberty to approach the Government in terms of the contract, for reimbursement of money paid by the Insurance Company. Under these circumstances, if the Insurance Company is able to establish that they have settled the claim over and above the Scheme, then as per the terms and conditions of the Contract between the Insurance Company and the

Government, the Government has to refund the amount to the Insurance Company. However, those disputes are to be resolved between the Insurance Company and the Government. As far as the New Health Insurance Scheme is concerned, once the District Level Empowered Committee recommended the case, the Insurance Company has to pay the money or file an appeal or approach the Government, if any grievance exists.

4. More precisely, the recommendation of the District Level Empowered Committee is binding on the Insurance Company, as per the Scheme and the Insurance Company cannot take an independent or unilateral decision overlooking the decision taken by the District Level Empowered Committee, wherein the Representative of the Insurance Company is also an official member.

5. In view of the fact that the District Level Empowered Committee recommended the case of the writ petitioner, the petitioner is entitled for medical reimbursement as per his eligibility under the New Health Insurance Scheme. The petitioner has mistakenly not impleaded the United India Insurance Company Limited, who is the necessary party. Instead of protracting the litigation and in order to provide necessary relief, this Court is inclined to *suo motu* implead the United India Insurance Company Limited, Divisional Office VI, No.212, Pala Rathna Towers, 5th floor, Anna Salai, Chennai-600 005, as third respondent in the writ petition.

6. In view of the fact that the case of the writ petitioner was recommended by the District Level Empowered Committee, the third respondent is directed to settle the medical reimbursement claim of the petitioner as per his eligibility under the New Health Insurance Scheme within a period of eight weeks from the date of receipt of a copy of this order. If at all the decision of the District Level Empowered Committee is not acceptable to the third respondent, they are at liberty to approach the State Level Empowered committee by way of an appeal or the Government, as per the terms and conditions of the contract between the Insurance Company and the Government.

7. Accordingly, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To
1.The Commissioner of Treasuries and Accounts,
Integrated Finance Department Complex,
3rd Floor,
Veterinary Hospital Complex,
Nandanam,
Chennai-600 035.

2.The Director of Health and Rural Health Service,
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DMS Complex,
Teynampet,
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3.United India Insurance Company,
Divisional Office VI,
No.212, Pala Rathna Towers,
5th floor, Anna Salai,
Chennai-600 005.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9615[F] dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9233[F] dated 01/03/2022)

W.P.(MD) No.18561 of 2021
28.02.2022

nsn(CO)
TR(30.03.2022) 4P 6C