



W.P.(MD)No.7037 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD)No.7037 of 2018

1.K.Kamaraj (died)

2.Tamilselvi

3.Gowthaman

4.Manimegalai

5.Thiruvalluvan

6.Arivudainambi

... Petitioners

(Petitioners 2 to 6 are substituted vide order of this Court dated 20.06.2022 in WMP(MD)No.10780 of 2019)

/Vs./

1.The District Collector,
Collectorate Complex,
Theni, Theni District.

2.Joint Director,
Medical and Rural Health Services,
(at) Theni, Periyakulam,
Theni District.

3.District Treasury Officer,
District Treasury Office,
Theni, Theni District.

4.United India Insurance Company,
5th Floor, PLA Rathana Towers,
212, Anna Salai,
Chennai – 6.

...Respondents



W.P.(MD)No.7037 of 2018

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus direction against the order of the 4th respondent dated 25.01.2018 and quash the same and consequently direct the respondents to reimburse the medical expenses of Rs.1,46,856/- incurred by the petitioner.

For Petitioners : Mr.V.O.S.Kalaiselvam

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader (for R1 to R3)

: Mr.A.Shajahan (for R4)

ORDER

The first petitioner, namely, Mr.Kamaraj, was the pensioner and his wife, namely, Mrs.Navamani, had suffered from Fracture, for which, she had undergone treatment in a hospital, which is not under the network hospital in the Scheme of Medical Reimbursement under G.O.Ms.171, Finance (Pension) Department, dated 26.06.2014.

2.When the claim of the pensioner was placed before the District Level Empowered Committee (hereinafter referred to as “DLEC” for brevity), which is the Committee constituted by the Government headed by the District Collector, having the Joint Director of Medical and Rural Health Services Department, the District Treasury Officer and an official representative of the



W.P.(MD)No.7037 of 2018

Insurance Company as members, it was favourably recommended for reimbursement to the United India Insurance Company Limited (hereinafter referred to as “Insurance Company” for brevity).

3. Incidentally, during such recommendation, a representative of the Insurance Company was also present. In spite of such recommendation, the Insurance Company had rejected the pensioner's claim, through the impugned order dated 25.01.2018 by quoting the Government Order in G.O.Ms.241, Finance [Salaries] Department, dated 24.08.2016 that they are not liable for reimbursement, if the treatment is taken in a non-network hospital.

4. Under the New Health Insurance Scheme, 2014, the grievances of the claimants are placed before the DLEC. When the Insurance Company is itself a part of the DLEC and the DLEC has also favourably recommended the pensioner's claim for medical reimbursement, I am unable to appreciate as to how they could now reject such recommendation.

5. Above all, the authority of the Insurance Company to question the decision taken by a Committee constituted by the Government itself seems to be questionable. When this aspect was addressed to the learned Standing



8.As provided by the Government Order, the representative of the Insurance Company is also part of the appellate SLEC. Thus, if the Insurance Company was of the view that the DLEC's recommendation was not in conformity with the ambit of the New Health Insurance Scheme, 2014, it is always open to them to challenge the same before the SLEC. The scheme does not restrict the appeals only to the claimants and thus, the Insurance Company will be well within its powers to challenge the DLEC's recommendations. When such appeal remedy is available to the Insurance Company, there is neither any authority nor justification on their part to reject the DLEC's recommendation, as done in the present case.

9.Thus, this Court is of the view that the impugned order rejecting the DLEC's recommendation is without jurisdiction and hence, the petitioners would be entitled for the medical reimbursement, as recommended by the DLEC, which shall be payable by the Insurance Company.

10.In the result, the impugned order dated 25.01.2018 is hereby quashed and consequently, there shall be a direction to the Insurance Company to forthwith reimburse the eligible amount, to the petitioners towards the medical expenses incurred by the pensioner's wife, in the light of the recommendations



W.P.(MD)No.7037 of 2018

made by the DLEC dated 31.08.2016, within a period of four (4) weeks from the date of receipt of a copy of this order.

11.This Writ Petition stands allowed accordingly. There shall be no order as to costs.

17.08.2022

Index : Yes / No
Internet : Yes/ No
sm



W.P.(MD)No.7037 of 2018

To:

WEB COPY

- 1.The District Collector,
Collectorate Complex,
Theni,
Theni District.
- 2.Joint Director,
Medical and Rural Health Services,
(at) Theni,
Periyakulam,
Theni District.
- 3.District Treasury Officer,
District Treasury Office,
Theni,
Theni District.
- 4.United India Insurance Company,
5th Floor,
PLA Rathana Towers,
212, Anna Salai,
Chennai – 6.



WEB COPY



W.P.(MD)No.7037 of 2018

M.S.RAMESH, J.

sm

W.P.(MD)No.7037 of 2018

17.08.2022