



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.13858 of 2014

Y.Samuel Raj

... Petitioner

vs

1. The Secretary to Government,
Finance (Salaries) Department
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. The Divisional Manager,
United India Insurance Co.Ltd.,
Divisional Officer VI,
Pla Rathna Towers, 5th Floor
212, Anna Salai, Chennai - 6.

3. The District Collector,
Kanyakumari District,

4. The Joint Director of Medical and
Rural Health Services
Nagercoil, Kanyakumari District.

5. The District Treasury,
Kanyakumari District.

6. The General Manager,
Tamil Nadu State Transport Corporation,
Rani Thottam,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein jointly and severally to pay the petitioner his claim of Rs.1,71,880/- as per the recommendation of the fourth respondent by his proceedings in Ref.No.1936/E3/2013, dated 29.07.2013 and Rs.1,51,997/- as per the representation of the petitioner dated 14.06.2013 with enclosures and in all Rs.3,22,877/- towards medi-claim within a reasonable time that may be fixed by this Court.

For Petitioner : Mr.R.Russel Raj

For Respondents : Mr.J.K.Jayaselan
Government Advocate for R1,R3 to R5
No appearance for R2 & R6

**O R D E R**

This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the respondents herein jointly and severally to pay the petitioner his claim of Rs.1,71,880/- as per the recommendation of the fourth respondent by his proceedings in Ref.No.1936/E3/2013, dated 29.07.2013 and Rs.1,51,997/- as per the representation of the petitioner dated 14.06.2013 with enclosures and another claim of Rs.3,22,877/- towards medi-claim within a reasonable time that may be fixed by this Court.

2. The petitioner served as a Driver in the sixth respondent Transport Corporation. The petitioner is a member of Health Fund Scheme formed by the Government and the premium is deducted from his salary ever month for the Health Insurance for himself and his family members. In the year 2007, the Government has transferred the Health Fund Scheme to the Private Insurance Companies as Agent for implementation by entering into agreement with various Private Insurance Companies. From 2007 to June 2012, the Health Fund Scheme for the Government servants was implemented by one Star Health Insurance and from July 2012 onwards the United India Insurance Corporate Limited has been appointed as an Agent. The petitioner stated that prior to the appointment of the second respondent, the deduction of Health Fund per month was Rs.25/- (Rupees Twenty Five only) and after the appointment of the second respondent the premium was Rs.150/- (Rupees One Hundred and Fifty only) per month. Thereby, fixing the entitlement of medi-claim to the tune of Rs.4,00,000/- (Rupees Four Lakh only). On 16.08.2012, due to sudden ailment, the petitioner's son was admitted in Ananthapuri Hospital at Trivandrum, where it was diagnosed that his son was suffering from Neurofibroma C6-C7 and Cervical spondylosis and the surgery was conducted for the ailment.

3. The petitioner's son was admitted in the Hospital on 16.08.2012 and after surgery and treatment he was discharged on 31.08.2012. The petitioner has incurred Rs.1,71,880/- (Rupees One Lakh Seventy One Thousand Eight Hundred and Eightly only). Since the hospital which treated the ailment is not indicated in the list of eligible hospital, the petitioner could not get reimbursement of the medical expenses. The petitioner has filed a writ petition is W.P.(MD)No.3238 of 2013, claiming Rs.1,71,880/- (Rupees One Lakh Seventy One Thousand Eight Hundred and Eightly only) and this Court directed to approach the Redressal Committee headed by the third respondent. The petitioner submitted a representation to the third respondent based on this Court order.



4. In the meantime, the petitioner's son again fell ill and he was admitted in the Kanyakumari Medical Mission Hospital, Neyyur on 23.05.2013 and subsequently, went to Jeyasekaran Hospital, where the petitioner was advised to admit in Hana Joseph Hospital, Madurai to take emergent step to save the life of his son. Thereafter, the petitioner's son was admitted on 23.05.2013, in Hana Joseph Hospital, Madurai and he was discharge on 10.06.2013. The petitioner's son was treated as in-patient for 18 days and has incurred expenses of Rs.1,51,997/- (Rupees Fifty One Thousand Nine Hundred and Ninety Seven only). The petitioner submitted a representation to the third respondent on 14.06.2013 to reimburse the earlier claim of Rs.1,71,880/- (Rupees One Lakh Seventy One Thousand Eight Hundred and Eightly only) and also the present claim to the tune of Rs.1,51,997/- (Rupees Fifty One Thousand Nine Hundred and Ninety Seven only). On 17.06.2013, the petitioner appeared before the Committee along with the original records and the fourth respondent has forwarded to the second respondent, recommending the petitioner's claim along with the original documents, for disbursement of claim, vide proceedings, dated 29.07.2013.

5. When the writ petition was taken up for hearing, the learned Counsel appearing for the petitioner submitted that for the first claim, the respondents have paid Rs.1,14,000/- (Rupees One Lakh Fourteen Thousand only). As far as the second claim is concerned, the respondents have not paid any amount.

6. Therefore, this Court is of the considered opinion that as far as the second claim is concerned, the petitioner shall approach the third respondent with all the originals and thereafter, the third respondent shall take necessary steps either directing the second respondent to pay the amount, if the petitioner is eligible. If the petitioner is not eligible then the third respondent, the District Collector shall forward all the papers along with the originals to the first respondent. Thereafter, the first respondent shall consider the claim under Medical Attendance Rules and disburse the eligible claim. The said exercise shall be completed within four months.

7. With the above direction, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr



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

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+1 CC to M/s.SPL GP (SR-355[F] dated 05/01/2022)

W.P. (MD) No.13858 of 2014
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MGJ(03.02.2022) 4P 8C