



W.P(MD)No.22018 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22018 of 2022

K.S.Ravinchandran

... Petitioner

Vs.

- 1.The Secretary,
Government of Tamilnadu,
Finance Department,
St. George Fort,
Chennai – 600 009.
- 2.The Commissioner,
Treasury and Accounts Department,
Amma Complex 3rd Floor,
Nandanam, Anna Salai,
Chennai – 600 035.
- 3.The Deputy Director,
Office of the Deputy Director,
Medical Service (Leprosy),
Periyakulam, Theni District.
- 4.The District Collector,
Theni District, Theni.
- 5.The District Treasury Officer,
District Treasury Office, Theni.
- 6.The Senior Divisional Manager,
United India Insurance Company,
Divisional Office VI,



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5th Floor, PLA Rathna Tower,
212, Anna Salai,
Chennai – 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of of Certiorarified Mandamus, calling for the records relating to the Impugned Order in Rc.No.21636/NHIS-1/2021 (Serial 9) dated 26.11.2021 passed by the 2nd respondent and quash the same as illegal and consequently directing the Respondents to provide Medical reimbursement Rs.1,84,395/- (Rupees One Lakh Eighty Four Thousand Three Hundred Ninety Five Only) to the petitioner towards the medical expenses incurred for the treatment of Covid-19 as per G.O.(Ms).No. 165 Finance (Health Insurance) Department dated 01.06.2022.

For Petitioner : Mr.T.Indrachithuu

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1 to R5.
Mr.C.Karthik for R6.

ORDER

Heard the learned counsel on either side.

2.The petitioner's wife was struck by Covid-19 pandemic. She took treatment in a non-network hospital. The petitioner applied for reimbursement.

The petitioner's request was rejected for two reasons. (a) The treatment was



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taken in non-network hospital. (b) Covid-19 treatment cannot be treated like a critical or emergent case. The Government has now changed its policy. It issued G.O.(Ms)No.165, Finance (Health Insurance) Department, dated 01.06.2022. Paragraph 8 of the said Government Order reads as follows:-

“8. The Government after careful examination of the proposal of Commissioner of Treasuries and Accounts, have decided to accept the same and accordingly issue the following orders:-

(i) Sanction is accorded for an adhoc amount of Rs.10.00 crore (Rupees ten crore only) to clear the claims of the eligible expenses incurred by the Government Employees and their eligible family members and Pensioners (including spouse) / Family Pensioners under Non~Critical COVID care treatment undertaken in Non~Network hospitals by creating two Corpus Funds one for Rs.6.00 crore [Rupees six crore only) for Pensioners (including spouse) / Family Pensioners and Rs.4.00 crore [Rupees four crore only] for Government Employees and their eligible family members considering the welfare of the Employees/ Pensioners. There shall be no change in the existing modalities followed in respect of reimbursement claims settled by United India Insurance Company Limited from the funds released by Government under these Corpus Fund.

(ii) Government Employees/Pensioners who have



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already taken treatment for Non~Critical COVID care in Non~empanelled Hospitals from 01.03.2020 till date are directed to submit their claims for to reimbursements by applying to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall forward the applications along with documents to the United India Insurance Company Limited to reimburse the eligible amount from the Corpus Fund provided by the Government as is followed as per the G.Os first and second read above without reference to the District Level Empowered Committee.”

3.In view of issuance of the aforesaid Government Order, the reasons set out in the impugned communication have been totally undermined. They no longer hold good. In this view of the matter, the impugned communication is set aside. The petitioner is permitted to resubmit the application for medical reimbursement. On such re-submission, the second respondent shall forward the same within a period of two weeks thereafter to the sixth respondent/Insurer. The sixth respondent shall consider the same and pass an order declaring the amount to which the petitioner is eligible to receive. Thereupon, the fifth respondent honour the same. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



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4. The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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