



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.20619 of 2021

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V.Jeya Christy

... Petitioner

-Vs-

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Finance (Salaries) Department,
Fort St.George, Chennai.
- 2.The Secretary to the Government,
Department of Health and Family Welfare,
Fort St.George, Chennai.
- 3.The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Chennai.
- 4.The District Collector,
Tirunelveli District, Tirunelveli.
- 5.The Regional Joint Director of Animal Husbandary,
Tirunelveli District, Tirunelveli.
- 6.The Joint Director,
Office of Assistant Director,
Medical and Rural Health Services,
Tirunelveli, At Tenkasi.
- 7.The Divisional Manager,
United India Insurance Company Ltd.,
5th Floor, PLA Rethna Towers,
Anna Salai, Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 6th respondent in e.f.vz;1682/f/2021 dated 16.08.2021 and quash the same as illegal and consequently, direct the respondents to reimburse the medical expenses of Rs.8,10,802/- incurred by the petitioner towards her treatment for Heart Ailment along with interest at the rate of 9% per annum from 23.12.2019 till the date of reimbursement.



For Petitioner : Mr.N.Mohideen Basha
For R1 to R6 : Mr.A.K.Manikkam,
Special Government Pleader.
For R7 : Mr.A.Shajahan

ORDER

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The order of rejection passed by the 6th respondent in proceedings dated 16.08.2021, is sought to be quashed in the present Writ Petition.

2.The petitioner is a member of the New Health Insurance Scheme, 2016 and underwent medical treatment in a non-network hospital at Trivandrum, Kerala.

3.The learned counsel appearing for the petitioner made a submission that the petitioner underwent medical treatment for emergency care and therefore, the medical reimbursement claim is to be settled as per G.O.(Ms)No.202, Finance (Salaries) Department, dated 30.06.2016.

4.It is not in dispute that the treatment undertaken by the petitioner is in the list of treatments as per the Government Order. However, the learned counsel appearing for the 7th respondent / Insurance Company raised an objection by stating that there is specific guidelines by the Government in respect of the treatment taken in Trivandrum Hospital. The emergency care cannot be considered, as there are several medical institutions available in Kanyakumari District itself.

5.This Court is of the considered opinion that if at all the petitioner has taken certain emergency treatments under certain special circumstances, then it is to be established with medical records. The High Court cannot adjudicate such disputed facts with reference to the documents and medical records. However, the District Level Empowered Committee has forwarded the application submitted by the writ petitioner. Under these circumstances, the petitioner has to approach the State Level Empowered Committee for redressal of her grievance. The fact remains that the Government issued clarification in respect of the treatments taken in other State Hospitals. Therefore, such issues are to be decided by the State Level Empowered Committee to implement the Health Insurance Scheme uniformly and without any ambiguity.

6.This being the factum, the petitioner is at liberty to challenge the order impugned before the State Level Empowered Committee, which is the Appellate Authority under the New Health Insurance Scheme for the purpose of redressal of her grievance. In the event of filing such appeal, the State Level Empowered Committee shall consider the same on merits and in accordance with the rules and decide the issues as expeditiously as possible.



7. With this liberty, this Writ Petition stands disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (CSII)

/ /2022

Sub Assistant Registrar (CS)

Myr

To

1. The Secretary,
Government of Tamil Nadu,
Finance (Salaries) Department,
Fort St. George, Chennai.
 2. The Secretary to the Government,
Department of Health and Family Welfare,
Fort St. George, Chennai.
 3. The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Chennai.
 4. The District Collector,
Tirunelveli District, Tirunelveli.
 5. The Regional Joint Director of Animal Husbandary,
Tirunelveli District, Tirunelveli.
 6. The Joint Director,
Office of Assistant Director,
Medical and Rural Health Services,
Tirunelveli, At Tenkasi.
- +1 CC to M/s.SPL GP (SR-9242[F] dated 01/03/2022)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9367[F] dated 01/03/2022)

ORDER MADE IN
W.P. (MD) No. 20619 of 2021
28.02.2022

KVL/12.03.2022/3P/9C