



WP(MD)No.20110 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.20110 of 2018

D.Babu

... Petitioner

/vs./

1.The Secretary to Government,
Health & Family Welfare Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2.The Director of Pension,
259, Anna Salai, 3rd Block,
2nd Floor, DMS Campus,
Teynampet, Chennai – 600 006.

3.The District Collector,
Thanjavur District,
Thanjavur.

4.The District Treasury Officer,
Court Road,
Thanjavur.

5.United India Insurance Company Ltd.,
No.27, Lakshmi Towers,
3rd Floor, Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to reimburse the petitioner's medical expenses as per the petitioner's request dated 29.09.2016.

For Petitioner : Mr.M.Karunanithi

For Respondents 1 to 4 : Mr.G.Suriyananth

Additional Government Pleader

For Respondent No.5 : Mr.A.Shajahan

ORDER

The petitioner herein had taken treatment at one MVK Hospitals, Thanjavur, for the ailment, Pustular Psoriasis between 21.07.2016 and 27.07.2016. He had incurred medical expenditure of Rs.16,619.57, which claimed for reimbursement was not considered and hence, the present writ petition has been filed.

2.In the counter affidavit filed by the fifth respondent herein, it is stated that the hospital and the medical procedure are not in the approved list of the Government Order in G.O.Ms.No.171, Finance (Pension) Department, dated 26.06.2014.



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3.The denial of medical reimbursement for non-scheduled medical ailments and treatment at non-network hospital has been struck down by this Court in various decisions including the order passed in the case of **D.Senthil Kumari vs. The Divisional Manager, the United India Insurance Company Limited, Chennai, and others** in **WP(MD)No.1180 of 2020** dated **28.02.2020**. The relevant portion of the order reads as follows:

“3. When this Court had directed the respondents to disburse the eligible amount to the petitioner with interest, through its order dated 29.11.2017, there is no justification on the part of the respondents to keep the claim pending, even after expiry of the time stipulated by this Court. As a matter of fact, the conduct on the part of the respondents could be regarded as a disobedience of the Court's order, which could amount to contempt of the Court orders. However, by way of extending a last and final opportunity, this Court is of the view that if further time could be extended for complying with the order of this Court dated 29.11.2017 passed in W.P.(MD)No. 5738 of 2017, the ends of justice could be secured.

4. In view of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 09.01.2020 in the light of the order passed



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by this Court in W.P.(MD)No.5738 of 2017 in the common order dated 29.11.2017 and consequently, disburse the eligible amount to the petitioner together with interest at the rate of 9% from the date of the claim till the date of actual disbursement, atleast, within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is ordered accordingly.”

4.In view of the above observations, there shall be a direction to the fifth respondent to consider the petitioner's representation dated 29.08.2018 and consequently, disburse the eligible amount to the petitioner together with interest at the rate of 9% from the date of the claim till the date of actual disbursement, atleast, within a period of four (4) weeks from the date of receipt of a copy of this order. The Writ Petition stands ordered accordingly. There shall be no order as to costs.

20.06.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

Sm

Order made in
W.P.(MD) No.20110 of 2018

Dated:
20.06.2022