



W.P(MD)No.4202 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

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THE HONOURABLE MR.JUSTICE G. CHANDRASEKHARAN

W.P(MD).No.4202 of 2017

&

W.M.P(MD).No.3353 of 2017

R.Rani,

: Petitioner

Vs

1. The Government of Tamilnadu,
Rep. by its Secretary,
Fort St. George,
Chennai - 600 009.

2. The District Forest Officer,
Tiruchirappalli Division,
Tiruchirappalli.

3. The United India Insurance Company Ltd.,
Divisional Office VI,
5th Floor, P.L.A. Rathna Towers,
No.212, Annasalai,
Chennai - 600 006.

4.The MD India Healthcare Service (TPA)
Private Limited,
Guna Complex,
No.443, Anna Salai,
Teynampet -600 018.

: Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent relating Email Communication dated 03.01.2017 quash the same and to issue consequential direction respondents to reimburse the medical expenses of Rs.1,25,000/- (One Lakh Twenty Five Thousand Only) incurred by the petitioner for treatment with 12% interest for delayed payment and to grant such other further relief as this Court may deem fit and proper under the circumstances arising out of this case.

For Petitioner : M/s.T.Dharani,

For R1 and R2 : Mr.R.Suresh Kumar,

Additional Government Pleader

For R3 and R4 : Mr.A.Shajahan

Standing Counsel

ORDER

This writ petition has been filed in the nature of Mandamus, seeking to quash the Email Communication of the fourth respondent, dated 03.01.2017 and consequently, to direct the respondents to reimburse the medical expenses of Rs.1,25,000/- (One Lakh Twenty Five Thousand Only) incurred by the



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petitioner for treatment with 12% interest for delayed payment.

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2.The learned Counsel appearing for the petitioner submitted that the petitioner was working as Forest Guard from 19.01.2009. She suffered from deformity in right knee and was admitted in Devadoss Multispecialty Hospital, Madurai, on 17.12.2016. She was diagnosed with Osteo Arthrities of Right Knee with Genu Valgum Deformity of Right Knee. Then, she underwent surgery on 28.12.2016 with six holed distal femur locking plate, which was done in his right knee. Thereafter, she was discharged from the hospital on 10.01.2017 and also she already made a request for reimbursement of the medical expenses, on 02.01.2017. But the same was denied by the fourth respondent on 03.01.2017 through E-mail communication stating that "Procedure has not been Covered under Policy". Therefore, the petitioner filed this petition.

3.The learned Counsel appearing for the third and fourth respondents submitted that medical treatment undergone by the petitioner is not covered under G.O.Ms.No.169, Finance (Salaries) Department, dated 09.06.2016. Therefore, her claim was rejected. Further, if she is aggrieved over the



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rejection order, she has to approach the District Level Empower Committee for appropriate relief but, filing this writ petition is inappropriate and the same is liable to be dismissed.

4.The submission of the learned Counsel appearing for the third and fourth respondents is endorsed by the learned Special Government Pleader appearing for the first and second respondents as well.

5.I have considered the rival submissions and perused the records.

6.On a perusal of G.O.Ms.No.169, Finance (Salaries) Department, dated 09.06.2016, it shows that the Annexure-II covers the following treatments for reimbursement:

- (a) *Total Hip Replacement.*
- (b) *Total Knee Replacement.*
- (c) *Surgeries for correction of Fractures*
of *Bones and Joints.*
- (d) *Arthroscopic Repair of Ligaments.*

7.In the case on hand, the petitioner underwent surgery on her right knee as indicated above for the correction of her right knee joint. Therefore,



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this Court is of the view that the petitioner is entitled for medical reimbursement. The claim of the petitioner was rejected on the ground that the treatment is not covered under the policy. However, in the light of the specific guidelines issued in G.O.Ms.No.202, dated 30.06.2016, in case of any grievance/complaint about difficulty in availing treatments, non-availability of facilities, availing of bogus treatment for ineligible individuals etc., it shall be submitted to the Joint Director of Medical and Rural Health Services of the District concerned for placing before the District Level Empowered Committee for redressal.

8.In view of the above, this Court directs the petitioner to follow the guidelines issued in G.O.Ms.No.169, Finance (Salaries) Department, dated 09.06.2016 and submit her complaint before the Joint Director of Medical and Rural Health Services of the District concerned, within a period of two weeks from the date of receipt of a copy of this order. The Joint Director of Medical and Rural Health Services of the District concerned is directed to refer the same to the District Level Empowered Committee for redressal, within a period of four weeks, from the date of receipt of the petitioner's fresh complaint.



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9. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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To

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G. CHANDRASEKHARAN, J.

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