



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.22995 of 2021

A.Chellaiah

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by the Secretary to the Government (Expenditure),
Finance (Pension) Department,
Secretariat, Chennai-9.

2.The Principal Accountant General (A & E),
Tamil Nadu, 361, Anna Salai, Teynampet,
Chennai-600 018.

3.The Director of Pension,
Integrated Finance Department Office Complex,
571, Anna Salai, Nandanam,
Chennai-35.

4.The District Treasury Officer,
District Collectorate, Madurai.

5.M/s.MD India Health Insurance TPA Pvt. Ltd.,
Nos.443 & 445, Guna Complex,
Anna Salai, Teynampet,
Chennai-600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.12008/2017/M1 dated 12.02.2018 on the file of the 4th respondent quash the same and further direct the respondents 1 to 4 to take appropriate proceedings to reimburse the medical expense incurred by the petitioner in respect of his medical treatment taken during the period 05.07.2017 to 21.07.2017 & 31.07.2017 to 10.08.2017 at M/s.Jaisee Hospital, Madurai as per Tamil Nadu Medical Attendant Rules along with an interest at the rate of 9% per annum until paid.

For Petitioner	: Mr.N.Karthik Kanna
For R1, R3 & R4	: Mr.D.Sadiq Raja, Additional Government Pleader
For R2	: Mr.P.Gunasekaran
For R5	: Mr.A.Shajahan



ORDER

The order of the 4th respondent, rejecting the claim of medical reimbursement dated 12.02.2018, is under challenge in the present Writ Petition.

2.The reason for rejection is that the petitioner is underwent treatment in a non-network hospital and further, the treatment undertaken is also not listed in the approved treatments. Thus, the claim was rejected on both grounds. The petitioner though is a member of the New Health Insurance Scheme, 2016 and has submitted his application, it was not considered, in view of the fact that the treatment is not falling within the scope of the Health Insurance Scheme and further, the treatment was also not taken in the approved hospital. Thus, the authorities have rejected the claim of the writ petitioner.

3.More specifically, the District Level Empowered Committee rejected the claim of the writ petitioner. When the committee rejected the claim under the Health Insurance Scheme, an aggrieved person has to approach the State Level Empowered Committee for redressal of his / her grievance. Contrarily, the High Court cannot adjudicate such disputed issues in respect of the treatment underwent by the petitioner in a non-network hospital.

4.Therefore, the petitioner has to approach the State Level Empowered Committee for redressal of his grievance. If he is eligible to claim, it is left open to the petitioner to approach the competent authority under the Tamil Nadu Medical Attendant Rules. However, this Court cannot consider the claim, as the medical reimbursement claim is falling within the ambit of the scheme.

5.Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

1.The Secretary to the Government (Expenditure),
State of Tamil Nadu,
Finance (Pension) Department,
Secretariat, Chennai-9.



2.The Principal Accountant General (A & E),
Tamil Nadu, 361, Anna Salai, Teynampet,
Chennai-600 018.

3.The Director of Pension,
Integrated Finance Department Office Complex,
571, Anna Salai, Nandanam,
Chennai-35.

4.The District Treasury Officer,
District Collectorate, Madurai.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9349[F] dated 01/03/2022)

+1 CC to M/s.SPL GP (SR-9212[F] dated 01/03/2022)

W.P. (MD) No.22995 of 2021
28.02.2022

MGJ(11.03.2022) 3P 7C