



WEB COPY

W.P(MD)No.23154 of 2021

EFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.23154 of 2021

and

WMP (MD) No.19597 of 2021

V.Vincent

... Petitioner

versus

1.The Secretary to Government,
(Finance and Pension Department),
Secretariat,
Fort St.George,
Chennai.

2.The Commissioner of Treasuries and Accounts,
Integrated Office Complex for Finance Department,
III Floor, Veterinary Hospital Campus,
Anna Salai,
Chennai - 600 035.

3.The United India Insurance Co.Ltd,
Rep by its Divisional Manager,
Divisional Office VI,
5th Floor, P.L.A.Rathana Towers,
No.212, Anna Salai,
Chennai -6.

4.District Level Committee,
Rep by District Collector,
Nagercoil, Kanyakumari District.

5.The District Treasury Officer,
The District Treasury Office,
Nagercoil,
Kanyakumari District.

6.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the sixth respondent pertaining to its order bearing Oo.mu.No.5477/A2/2020, dated 08.03.2021 and to quash the same and consequently direct the respondents to disburse Rs.1,48,337/- spent by the petitioner for



the treatment underwent by him, within a stipulated time fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For R1, R2, R4 to R6 : Mr.S.Saji Bino
Special Government Pleader
For R3 : Mr.A.Shajahan

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O R D E R

The writ petition is filed as against the order of the sixth respondent in Oo.mu.No.5477/A2/2020, dated 08.03.2021 and for a consequential direction to the respondents to disburse Rs.1,48,337/- to the petitioner, spent by him towards his medical expenses.

2.The case of the petitioner is that he was working as Sweeper cum Waterman at St.Mary's Higher Secondary School, Melpalai, Kanyakumari District. On 21.07.2020, he met with an accident and sustained grievous injuries, due to which, he was admitted in Shalom Orthopaedic Hospital, Kanjiracode, Kanyakumari District and on 06.08.2020, a surgery was performed. He incurred a Rs.1,48,337/- towards medical expenses. According to the petitioner, he was a member of the Health Insurance Scheme and he is entitled to claim the medical expenses, which he has incurred. Hence, the petitioner submitted his application along with all the medical bills to the Correspondent of the St.Mary's Higher Secondary School, Melpalai on 10.08.2020 and the same was forwarded to the sixth respondent. The grievance of the petitioner is that the sixth respondent, instead of forwarding the application to the District Level Empowered Committee, rejected the petitioner's claim, stating that the Hospital, namely Shalom Orthopaedic Hospital, Kanjiracode, Kanyakumari District, wherein, the petitioner took treatment is not a network Hospital and the said Hospital name is not found place in the list of recognized Hospitals, as per new Health Insurance Scheme. Hence, the petitioner is not entitled for mediclaim. Aggrieved over the same, the petitioner is before this Court, with the present writ petition.

3.The learned counsel appearing for the petitioner submits that the petitioner is a member of the Health Insurance Scheme and certain amount has also been deducted from his monthly salary towards Health Insurance. More over, he was admitted by other persons, in Shalom Orthopaedic Hospital, Kanjiracode, Kanyakumari District, which is the nearest Hospital from the place of accident. According to the petitioner, even the Insurance Company is not having any objections, with regard to the disbursement of the medical expenses. But the sixth respondent instead of forwarding the petitioner's claim application along with medical bills to the District Level Empowered Committee, rejected the claim made by the petitioner. Hence, the learned counsel prayed this Court to direct the respondents suitably for reimbursement of the medical expenses, which he incurred.



4.Mr.S.Saji Bino, learned Special Government Pleader and Mr. Shajahan, learned counsel who take notice for the respondents submit that the claim of the petitioner has been rejected, on the ground that Shalom Orthopaedic Hospital, Kanjiracode, Kanyakumari District, where, the petitioner took treatment is not a network Hospital and not recognized by the third respondent Insurance Company.

5.It is to be noted that the petitioner met with an accident and due to his grievous injuries, he was admitted by other persons in the nearby Hospital. When the District Level Empowered Committee is the competent authority to decide the claim of the petitioner, the sixth respondent, without forwarding the claim application of the petitioner to the District Level Empowered Committee, has rejected the petitioner's claim, by themselves. In such view of the matter, the impugned order is set aside. The sixth respondent is directed to forward the claim of the petitioner to the fourth respondent and the fourth respondent shall take a call, depending upon the nature of injuries sustained by the petitioner and the scheme of Insurance and take a decision, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Secretary to Government,
(Finance and Pension Department),
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Fort St.George,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner of Treasuries and Accounts,
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5.The District Educational Officer,
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+1 CC to M/s.A.SHAJAHAN, Advocate (SR-49[F] dated 03/01/2022)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-75[F] dated
04/01/2022)

+1 CC to M/s.SPL.GP (SR-161[F] dated 04/01/2022)

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MGJ(21.02.2022) 4P 9C