



W.P(MD)No.24795 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24795 of 2022

and

W.M.P.(MD)No.18867 of 2022

P.Rajasekar

... Petitioner

Vs.

- 1.The Secretary to Government,
Finance Department,
St.George Fort,
Secretariate,
Chennai-600009.
2. The Commissioner of Treasury and Accounts,
Office of the Directorate of Treasuries and Accounts,
3rd Floor, Integrated Office Complex
For Finance Department,
Veterinary Hospital Campus, Anna Salai,
Nandanam, Chennai – 600 035.
- 3.The Director of Medical and Rural Health Services,
DMS Complex, No.361, Anna Salai, Chennai.
- 4.The Joint Director of Rural Health Services,
Near New Bus Stand,
Tenkasi-627811,
Tenkasi District..
- 5.The Chief Engineer (Agricultural Engineering),
Department of Agricultural Engineering,
No.487, Anna Salai, Nandanam,
Chennai-600035.



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6.The Superintending Engineer (Agricultural Engineering),
Agricultural Engineering Department,
Tirunelveli, Tirunelveli District-627007.

7.The Divisional Manager,
United India Insurance Company,
Division Office-VI,
5th Floor, Pla Rathina Tower,
No.212, Anna Salai,
Chennai-600006.

... Respondents

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 pertaining to the Impugned Orders passed by the 2nd Respondent in O.Mu.No.36103/Pu.Ma.Ka.Thi-1/2020 dated 22.12.2020 and Rc.No. 25611-3/NHIS-1/2021, dated 09.03.2022 and quash the same as illegal and consequently direct the Respondents to sanction and pay the Petitioner's claim and reimbursement the Medical expenses incurred by the Petitioner of Rs.1,85,465.50 with interest by considering his application dated 10.10.2020 within the period as stipulated by this Court.

For Petitioner : Mr.P.Mahendran

For Respondents : Mr.J.K.Jayaseelan,
Govt. Advocate for R1 to R6.
Mr.A.Shajahan,
Standing Counsel for R7.



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ORDER

Heard the learned counsel on either side.

2.The writ petitioner is working as Assistant in the office of the sixth respondent. He was afflicted with Covid-19 in August 2020. He took treatment in Rose Mary Mission Hospital and Research Centre, Tirunelveli and he had incurred a sum of Rs.1,85,465/- towards treatment. He sought reimbursement. Since the reimbursement has not been made till date, the present writ petition came to be filed.

3.The second respondent had returned the proposal on the ground that the petitioner had taken treatment in non-network hospital and since the petitioner's condition was not critical. The learned counsel for the petitioner drew my attention to G.O.(Ms) No.165, Fiance (Health Insurance) Department, dated 01.06.2022 in which the Government had made it clear that Covid-19 care treatment will also be considered as a eligible case and that even if treatment had been taken in a non-network hospital that will also be considered. A similar issue came up before this Court in W.P.(MD)No.10991 of 2022. Vide order dated 17.06.2022, it was disposed of in the following terms:-



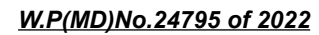
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“3.Since the Government Order was not in existence when the impugned order was passed, the order cannot be strictly found fault with. However, in view of the subsequent passing of the Government Order in G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, the petitioner would be entitled for reimbursement of the medical expenses incurred by him in this regard. Through the present impugned order, the application was returned to the petitioner herein by the first respondent.

4.Accordingly, the petitioner is at liberty to re-submit his application to the first respondent herein and on receipt of such application, the first respondent shall scrutinize and forward the same to the second respondent and accordingly, reimburse the eligible amount incurred by the petitioner in accordance with G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, within a period of four (4) weeks from the date of receipt of a copy of this order.

5.With the above observations, this Writ Petition stands allowed. There shall be no order as to costs.”

4.This writ petition is also disposed on the same lines. The petitioner is permitted to re-present the relevant application before the second respondent through proper channel. The second respondent in turn is directed to recommend the said application and forward the same to the seventh respondent. The seventh respondent shall pay the eligible amount to the writ



5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes/ No
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To:-

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