



W.P.(MD)No.21037 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD)No.21037 of 2018

Gnanamuthu

... Petitioner

/Vs./

1.The Additional Secretary to Government (Finance),
Government of Tamilnadu,
St.George Fort,
Chennai – 600 009.

2.The District Treasury Officer,
Treasury & Account Office,
Tirunelveli – 9.

3.The Assistant Treasury Officer,
Assistant Treasury Office,
Sankarankovil Taluk,
Tirunelveli District.

4.The Regional Manager,
United India Insurance Co. Ltd.,
Regional Office, TVS Buildings,
Opposite to Railway Station,
West Veli Street,
Madurai.

...Respondents

(R4 is suo motu impleaded vide order of this Court dated 03.02.2022 and substituted vide order of this Court dated 27.06.2022.)



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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 to call for the records of the 2nd respondent in O.M.10874/2017 No.1 dated 26.04.2018 and quash the same and to issue consequential directions to the respondents to reimburse the medical expenses incurred for the medical treatment of the petitioner's wife G.Ponnuthai with interest for the delayed disbursement.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.A.Sivanupandian

Additional Government Pleader (for R1 to R3)

: Mr.A.Shajahan (for R4)

ORDER

The petitioner, is a member of the New Health Insurance Scheme, 2014, which introduced for pensioners and his wife had taken treatment at PAMC Hospital, Madurai, for Osteoporosis.

2.The petitioner's claim for medical reimbursement was referred to the District Level Empowered Committee (hereinafter referred to as “DLEC” for brevity), which is the Committee constituted by the Government headed by the District Collector, having the Joint Director of Medical and Rural Health



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Services Department, the District Treasury Officer and an official representative of the Insurance Company as members. and it was rejected by the DLEC, which was communicated through the impugned order, dated 26.04.2018, stating that the petitioner's wife had not taken treatment in a network hospital and the ailment/treatment/surgery is not scheduled one.

3.The issue as to whether the medical reimbursement can be rejected on the ground that the treatment was not taken in network hospital or that the ailment/treatment/surgery was not scheduled one, has already been dealt with in various decisions of this Court, whereby it has been held that such rejection on the ground of non-network hospital or non-scheduled ailment/treatment/surgery cannot be a ground for rejection.

4.The next question that arises for consideration is that who would be liable to reimburse the medi-claim raised by the petitioner herein. The Government, in G.O.Ms.No.423, Health and Family Welfare (Z1) Department, 22.06.1995 had ordered that whenever the hospital is not covered or the treatment is not enlisted under the New Health Insurance Scheme, the Government Employees and the pensioners would be entitled to make the medi-claim with the Government under the Tamil Nadu Medical Attendance Rules



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(hereinafter referred to as “the Rules” for brevity) for reimbursement. The rates fixed by the Government under the Rules have also been revised subsequently in G.O.Ms.No.401, Health and Family Welfare (Z1) Department, dated 09.09.2021, by making a reference to their liability, under G.O.Ms.No.423, Health and Family Welfare (Z1) Department, dated 22.06.1995.

5. Thus, when the ailment/treatment/surgery undertaken by the pensioners either not in one of the network hospitals or it is not scheduled one, the State Government would be liable to reimburse the eligible claim of such pensioners, in accordance with the rates prescribed under the Rules.

6. In the light of the aforesaid Government Orders, the impugned order of rejection by the DLEC cannot be sustained. On the other hand, DLEC ought to have held that the pensioner would be entitled for reimbursement from the State Government, in accordance with the rates prescribed under the Rules.

7. Accordingly, the impugned order dated 26.04.2018 is hereby quashed and there shall be a direction to the respondents 1 to 3, to reimburse the eligible amount for the medical expenses incurred for the treatment undergone by the petitioner's wife, G.Ponnuthai, within a period of four (4) weeks from the date



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of receipt of a copy of this order. This Writ Petition is allowed accordingly.

There shall be no order as to costs.

17.08.2022

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

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