



W.P. No. 907 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 18.04.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 907 of 2023**

M.Gunavathi

... Petitioner

-VS-

1.The Director,  
Local Fund Audit,  
Integrated Finance Complex  
4<sup>th</sup> Floor, Nandanam  
571, Anna Salai,  
Chennai – 600 035.

2.The Assistant Director,  
Local Fund Audit,  
Integrated Finance Complex,  
4<sup>th</sup> Floor, Nandanam,  
571, Anna Salai,  
Chennai – 600 035.

3.The Zonal Manager,  
United India Insurance-Company Limited,  
Divisional Office-VI,  
PLA Rathna Towers, 5<sup>th</sup> Floor,  
No.212, Anna Salai,  
Chennai – 600 006.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the respondents to pay to the Petitioner a sum of Rs.3,47,454/- (Rupees Three Lakhs Forty Seven Thousand Four Hundred and Fifty Four Only) payable towards reimbursement of medical expenses under the Government of Tamil Nadu Health Insurance Scheme, 2018, for pensioners as per G.O.Ms.No.222 Finance (Pension) Department dated 30.06.2018 without any further delay.



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For Petitioner : Mr. K.S.Viswanathan,  
Senior Counsel

For Respondents : Mr. B.Vijay  
Additional Government Pleader (for R1 & R2)

: Mr. K.Poomalai (for R3)

## ORDER

Heard Mr. K.S.Viswanathan, Learned Senior Counsel appearing for the Petitioner, Mr. B.Vijay, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr. K.Poomalai, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is wife of one T.Mathaiyan, who retired from service in the post of Co-ordinator at Nangavalli Panchayat Union in Rural Development Wing of Salem District and had died on 01.01.2012, and the Petitioner has been thereafter receiving family pension from 02.01.2012 onwards. It is the case of the Petitioner that she had been treated for breast cancer from 12.07.2022 to 18.03.2022 incurring expenses to the tune of Rs. 4,47,454/- and she made a claim for its reimbursement under the New Health Insurance Scheme, 2018, to the First Respondent. Though the Petitioner had submitted required documents,



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a sum of Rs. 1,00,000/- was alone paid to her and there is no explanation from the Respondents for non-payment of the remaining sum of Rs. 3,47,454/- due.

In that backdrop, the Petitioner has filed this Writ Petition for directing the Respondents to pay a sum of Rs. 3,47,454/- to her towards reimbursement of medical expenses under the New Health Insurance Scheme, 2018, for pensioners as per G.O. Ms. No. 222, Finance (Pension) Department dated 30.06.2018 without brooking any delay.

3. The First Respondent has filed Counter-Affidavit dated 18.03.2023 and Additional Counter-Affidavit dated 18.04.2023 stating that though the benefit of the New Health Insurance Scheme has been extended to the pensioners who had retired from the services of the local bodies in G.O. (Ms) No. 142, Rural Development and Panchayat Raj (E7) Department dated 07.11.2014 and deduction of Rs. 100/- every month has to be made from the pension amount paid to them, the medical reimbursement is restricted to Rs.1,00,000/- or 75% whichever is lower as per clause 5 (iii) of its terms and as such, the Petitioner, who has already been paid Rs. 1,00,000/-, is not entitled to receive any further amount under the said scheme. It is further stated that the medical reimbursement of the ceiling amount of Rs. 5,00,000/- has been enhanced in the block period of four years by G.O. Ms. No. 204, Finance (H1) Department



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dated 30.06.2022 issued by the Government of Tamil Nadu, which was applicable only with effect from 01.03.2023 when the monthly recovery has also been correspondingly increased to Rs. 497/- per month and the period of treatment undergone by the Petitioner has been prior to 01.02.2023, she would not be eligible for the same.

4. In such circumstances, the Petitioner cannot be granted the relief as sought, but it would not preclude her from making any claim for medical reimbursement under any other scheme, if permissible, under law.

In fine, the Writ Petition is disposed with the aforesaid clarifications. No costs.

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Index: Yes/No

Neutral Citation: Yes/No

**Note: Issue order copy by 20.10.2023.**



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**P.D. AUDIKESAVALU, J.**

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