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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2023

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 6086 of 2021

And

W.M.P.No. 6721 of 2021

S.Palanivel

... Petitioner

..Vs..

1. The Commissioner of Treasuries and Accounts
Amma Complex, 3rd Floor,
Vetnary Hospital Complex
No. 571, Nandanam,
Anna Salai, Chennai – 600 035.

2. The Senior Divisional Manager
United India Insurance Co., Ltd.,
Divisional Office-VI
PLA Rathna Towers,
5th Floor, 212, Anna Salai,
Chennai – 600 006.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the first respondent passed in O.Mu.No.36103/Pu.Ma.Ka.Thi-3/2020 dated 22.12.2020 along with rejection order of 2nd respondent dated 25.11.2020 and quash the same and



direct the respondents 1 and 2 to reimburse a sum of Rs.3,90,720/- to the petitioner for COVID-19 treatment as per the petitioner's reimbursement claim petition dated 30.09.2020.

For Petitioner :: Mr. M.Thamizhavel

For 1st Respondent :: Mr. T.Seenivasan
Special Government Pleader

For 2nd Respondent :: Mr.P.Sankara Narayanan

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with an order of the first respondent/ the Commissioner of Treasuries and Accounts at Nandanam, Chennai, in O.Mu.No. 36103/PU.MA.Ka.THI-3/2020 dated 22.12.2020 along with the rejection of the second respondent / Senior Divisional Manager, United India Insurance Company Ltd., Divisional Officer-VI, Anna Salai, Chennai, dated 25.11.2020 and direct the respondents 1 and 2 to reimburse a sum of Rs.3,90,720/- to the petitioner for treatment of covid-19 consequent to the claim of the petitioner dated 30.09.2020.



2. The petitioner, a former Sub Inspector of Police, had retired on 31.07.2007. He joined the New Health Insurance Scheme in the year 2014 under the second respondent. He was also issued with a Health Identity Card with cashless treatment in Network Hospitals. It was valid up to 30.06.2022. The petitioner was infected with covid-19 in September 2020 and was admitted at Universal hospital in Salem District for covid-19 treatment. He was treated from 18.09.2020 to 29.09.2020 when he was discharged. He incurred medical expenses for covid treatment to a sum of Rs.3,90,720/-.

3. The petitioner claims reimbursement of the medical expenses. However that was denied by the respondents. By this Writ Petition, the petitioner seeks interference with the orders of the two respondents.

4. Before entering into a detailed discussion, my attention is drawn to an order of a learned Single Judge of this Court dated 29.08.2022 in ***W.P.(MD).N. 17156 of 2022 [A.Arulraj Vs. The Secretary to Government (Expenditure) Finance (Pension) Department, Chennai and others***. The learned Single Judge in that matter wherein reimbursement of



expenses for covid-19 was sought, had placed reliance on G.O.Ms.No. 165, Finance (Health Insurance) Department dated 01.06.2022 and accepted the proposals of the Commissioner of Treasuries and Accounts for reimbursement of expenses incurred for covid-19 cases.

5. The learned Single Judge in the aforementioned order had extracted the relevant portions of the Government Order and I would, with due respect, extract the same again for ready reference:-

“The Government after careful examination of the proposal of Commissioner of Treasuries and Accounts, have decided to accept the same and accordingly issue the following orders:-

(i) Sanction is accorded for an adhoc amount of Rs. 10.00 crore (Rupees ten crore only) to clear the claims of the eligible expenses incurred by the Government Employees and their eligible family members and Pensioners (including spouse) / Family Pensioners under Non-Critical COVID care



treatment undertaken in Non-Network hospitals by creating two Corpus Funds one for Rs.6.00 crore [Rupees six crore only) for Pensioners (including spouse) / Family Pensioners and Rs.4.00 crore [Rupees four crore only] for Government Employees and their eligible family members considering the welfare of the Employees/ Pensioners. There shall be no change in the existing modalities followed in respect of reimbursement claims settled by United India Insurance Company Limited from the funds released by Government under these Corpus Fund.

(ii) Government Employees/Pensioners who have already taken treatment for Non-Critical COVID care in Non-empanelled Hospitals from 01.03.2020 till date are directed to submit their claims for to reimbursements by applying to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall forward the applications along with documents to the United India Insurance Company Limited to reimburse the eligible



amount from the Corpus Fund provided by the Government as is followed as per the G.Os first and second read above without reference to the District Level Empowered Committee.”

6. The impugned orders in the instant case were passed on 22.12.2020 and 25.11.2020. They had been passed when the present Government Order was not issued. Therefore, the impugned orders are straightaway set aside and a direction is given that the first and second respondents should act in terms of the aforementioned G.O.Ms.No. 165, finance (Health Insurance) Department dated 01.06.2022.

7. The petitioner has to necessarily resubmit his application to the first respondent herein. On receipt of such application, the first respondent shall scrutinise and forward the same to the second respondent. Thereafter, the eligible amount shall be reimbursed to the petitioner herein in accordance with the aforementioned Government Order. The entire exercise should be completed within a period of four weeks from the date on which the petitioner submits a fresh application to the first respondent.



WEB COPY 8. The Writ Petition stands allowed. No order as to costs.

Consequently, connected Miscellaneous Petition is closed.

06.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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