



W.P. No. 7182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

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

W.P. No. 7182 of 2023

K.Makendran

... Petitioner

-VS-

1. The Registrar,
Co-operative Societies,
N.V.Natarajan Maligai,
No. 170, E.V.R.Periyar High Road,
Kilpaukkam,
Chennai – 600010.

2. The Joint Registrar,
Co-operative Societies,
Coimbatore Region,
K K Pudur,
Coimbatore – 641038.

3. The Deputy Registrar,
Co-operative Societies,
Pollachi Circle,
Main Road,
Pollachi – 642001.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 29.11.2022 in Na. Ka. No. 7331/2022/B3 passed by the Second Respondent and quash the same as illegal and consequently direct the Respondent authorities to pay the medical expenses



W.P. No. 7182 of 2023

incurred by the Petitioner within such time as may be stipulated by this Court.

WEB COPY

For Petitioner : Mr. M.Sudhan
For Respondents : Mr. K.Karthick Jeganath,
Government Advocate

ORDER

Heard Mr. M.Sudhan, Learned Counsel for the Petitioner and Mr. K.Karthick Jeganath, Learned Government Advocate, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was working as Deputy Registrar of Co-operative Societies was suspended from service by Proceedings in G.O. (2D) No. 44, Cooperation, Food and Consumer Protection (CD2) Department dated 23.06.2017 issued by the Government of Tamil Nadu for the irregularities said to have been committed by him while he was working as Co-operative Sub-Registrar (Housing), Tiruppur. As he was attaining the age of superannuation on 30.06.2017, he was not allowed to retire, but retained in service until the disciplinary proceedings against him, was concluded.



W.P. No. 7182 of 2023

WEB COPY

3. It would assume significance to highlight that the Government of Tamil Nadu has extended the National Health Insurance Scheme to its employees in G.O. Ms. No. 202, Finance (Salaries) Department dated 30.06.2016 for the period from 01.07.2016 to 30.06.2020, which was extended in G.O. Ms. No. 279, Finance (Salaries) Department dated 24.06.2020 for the period from 01.07.2020 to 30.06.2021 and G.O. Ms. No. 160, Finance (Salaries) Department dated 29.06.2021 for the period from 01.07.2021 to 30.06.2025. Similarly, the National Health Insurance Scheme has been extended by the Government of Tamil Nadu to its pensioners in G.O. Ms. No. 171, Finance (Pension) Department dated 26.06.2014 for the period from 01.07.2014 to 30.06.2018 and again in G.O. Ms. No. 222, Finance (Pension) Department dated 30.06.2018 for the period from 01.07.2018 to 30.06.2022.

4. According to the Petitioner, he was admitted in Appollo Hospital, Madurai and had undergone treatment from 06.02.2022 to 02.03.2022 and had incurred medical expenses of Rs. 10,62,712/- in that regard. When the Petitioner made a claim for reimbursement of the said medical expenses under the New Health Insurance Scheme, 2018, it was declined by the Second Respondent Proceedings No. Na. Ka. 7331/2022/Pa3 dated 29.11.2022 stating



W.P. No. 7182 of 2023

that since the periodical contribution required had not been deducted from its subsistence allowance for that benefit till date. In that backdrop, the Petitioner has filed this Writ Petition challenging the said proceedings of the Second Respondent and sought for consequential direction to reimburse the medical expenses incurred by him.

5. It is now trite as held by the Division Bench of this Court in ***Star Health and Allied Insurance Company Ltd. –vs- A.Chokkkar*** [(2010) 2 LW 90] that when the Insurance Company is not liable to reimburse the medical expenses under the New Health Insurance Scheme to the Government Servants/Pensioners, it would have to be processed under the Tamil Nadu Medical Attendance Rules by the Head of the Office with the concerned Department in which that employee had served and pay the eligible amount to him. In this context, it would also be useful to refer to clause 14(4) of the Guidelines for Implementation of New Health Insurance Scheme, 2018, for Pensioners (including Spouse)/Family Pensioners in the Appendix to G.O. Ms. No. 222, Finance (Pension) Department, dated 30.06.2018 issued by the Government of Tamil Nadu, which is extracted below:-

14.(4)	In case, a Pensioner/Family Pensioner undergoes emergency
--------	---



W.P. No. 7182 of 2023

WEB COPY

treatments/surgeries not covered under this Scheme in either Network Hospital or Non-Network Hospital, no claim can be filed under the Health Insurance Scheme. However, they shall be eligible for claim to the extent permissible under the Tamil Nadu Medical Attendance Rules and the G.O. Ms. No. 1023, Health and Family Welfare Department, dated 17.06.1980. It may be noted that the Tamil Nadu Medical Attendance Rules requires that treatment in private hospitals should not be resorted to except in case of emergencies. Clause 2(3) of the aforesaid Government Order states that in genuine cases of emergency, the claims will be restricted to the expenditure that would have been incurred had the patient taken treatment in a Government hospital excepting diet charges. For claims under Tamil Nadu Medical Attendance Rules, the Beneficiaries may apply to the authority in the department in which the Government employee last served who is competent to process and forward pension proposal to the Accountant General, Tamil Nadu. The Head of Office shall process the claims and pay the eligible claims under the Tamil Nadu Medical Attendance Rules.

The guidelines issued in the aforesaid Governmental order, which are based upon the instructions provided in the earlier Government Orders and the Tamil Nadu Medical Attendance Rules would also apply to the present case.

6. In view of the aforesaid legal position coupled with the facts of this case, the following order is passed:-

- (i) it shall be incumbent upon the concerned authority of the Government of Tamil Nadu to examine the representation dated 19.10.2022 made by the Petitioner as a claim for reimbursement of medical expenses incurred by



W.P. No. 7182 of 2023

him under the Tamil Nadu Medical Attendance Rules forthwith;

WEB COPY

- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the actual amount claimed has not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements thereafter, an enquiry shall be conducted affording opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law with details of any deductions made under various heads and the decision taken communicated under written acknowledgment;
- (iv) if the Petitioner is found entitled to the claim made, the eligible amount with interest at the rate prescribed under the Rules and if no such rate of interest has been prescribed, at the rate of 6% per annum from the date on which the claim for reimbursement was made by the Petitioner, shall be disbursed within a period of 30 days from the date of passing of that order;



W.P. No. 7182 of 2023

- WEB (v) if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law; and
- (vi) the report of completion of the aforesaid exercise shall be filed within a period of 3 months from the date of receipt of copy of this order before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

09.03.2023

Maya

Index: Yes/No

To

1. The Registrar,
Co-operative Societies,
N.V.Natarajan Maligai,
No. 170, E.V.R.Periyar High Road,
Kilpaukkam,
Chennai – 600010.



W.P. No. 7182 of 2023

2. The Joint Registrar,
Co-operative Societies,
Coimbatore Region,
K K Pudur,
Coimbatore – 641038.

3. The Deputy Registrar,
Co-operative Societies,
Pollachi Circle,
Main Road,
Pollachi – 642001.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600104.
2. K.Makendran,
S/o. S.Krishnasamy,
No. 5/461-E, Sindhu Nagar,
Udumalpet – 642126.



WEB COPY



W.P. No. 7182 of 2023

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 7182 of 2023

09.03.2023