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W.P.No.18203 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.18203 of 2021
and W.M.P.No.7094 of 2022

M.Kalpana Mahalingam

... Petitioner

Vs.

1.The Director General of Police,
Police Headquarters,
Kamaraj Salai,
Mylapore, Chennai – 600 004.

2.The Superintendent of Police,
Ranipet District,
Ranipet & PO,
Ranipet District.

3.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office,
PLA Rathna Towers,
212, Anna Salai, Chennai – 600 006.

4.The Project Officer,
MD India Healthcare Services (TPA) Pvt Ltd.,
Guna Complex, 443, Anna Salai,
Teynampet, Chennai – 600 018.

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the third and fourth respondents to dispose of the representation dated 24.02.2021 made by the petitioner to the said respondents.

For Petitioner : Mr.T.E.Ekambaram

For Respondents 1 & 2 : Mr.M.Shahjahan,
Special Government Pleader

For Respondent 3 : Mr.P.Shankaranarayanan

ORDER

The petitioner has filed this writ petition seeking to direct the third and fourth respondents to dispose of the representation dated 24.02.2021 made by the petitioner to the said respondents.

2. The case of the petitioner is that the petitioner's husband viz., K.Mahalingam was employed as Inspector of Police in the Tamil Nadu Police Service and due to attain superannuation in the year 2021, however, in the year 2019, it was diagnosed that the petitioner's husband was suffering from



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Adenocarcinoma Stomach (Stomach Cancer) and admitted as in-patient in Apollo Speciality Hospitals, Vanagaram, Chennai and later he was shifted to Saveetha Medical College and Hospital at Thandalam, Chennai for further treatment, however, he died on 01.01.2020.

2.1. Being a Government servant, the petitioner's husband is entitled to avail medical treatment under health insurance at network hospitals under Tamil Nadu New Health Insurance Scheme, 2016 vide G.O.Ms.No.202 Finance (Salaries) Department dated 30.06.2016. As per the terms of the said G.O. the maximum coverage of hospital expenses and treatment for those specified illness given under Annexure-II-A of the said G.O. is 7.5 lakhs per family, covering a period of four years. Since, her husband having been afflicted with cancer in the stomach is entitled to claim medical benefits for diseases listed in Annexure-II-A under serial No.1 of the list with enhanced limit of medical expenses to the tune of Rs.7.5 lakhs for treatment and hospitalisation inclusive of room charges, medicines, doctor fees, dietary charges etc., under the scheme as specified in the said G.O.



2.2. The total cost of treatment at Apollo Hospital worked out to Rs.6,75,687/- and in the Saveetha Medical College and Hospital, the total cost of treatment comes to Rs.1,59,737/-. Consequently, the total medical expenses incurred for the treatment at the above said two hospitals worked out to Rs.8,35,424/-. Since the petitioner's husband diagnosed with cancer, he is entitled to claim health insurance benefits subject to a maximum limit of Rs.7.5 lakhs. In this case, the total expenditure incurred for treatment at both the hospitals comes to a sum of Rs.8,35,424/-, however, the fourth respondent has disbursed a sum of Rs.1,96,956/- only. Therefore, under the terms and conditions of the said health scheme the third and fourth respondent are liable to reimburse the balance sum of Rs.5,53,044/- towards hospital expenses incurred in the treatment offered to her husband. Thus, she made a representation dated 24.02.2021 before the respondents requesting to disburse the balance amount of Rs.5,53,044/- towards the cost of treatment. Since the representation being made, no action was taken by the respondents. Hence, the petitioner was come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition,



learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 24.02.2021 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents 1 & 2 and learned counsel appearing for respondent 3 have no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 24.02.2021 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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7. This writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2021

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

vm

To:

- 1.The Director General of Police,
Police Headquarters,
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Mylapore, Chennai – 600 004.
- 2.The Superintendent of Police,
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