



W.P.No.29364 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.01.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.29364 of 2014

G.Thamaraiselvi

.... Petitioner

VS

1. The Director of Treasuries and Accounts,
Panagal Buildings
No.1, Jeenis Road,
Saidapet,
Chennai - 600 015

2. The Joint Director of Medical and Rural
Health Services,
Vellore - 632 009

.... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent issued in Na.Ka.No.2786/Maku/2013 dated 15.07.2013 and quash the same and direct the respondents to reimburse the medical claim submitted by the petitioner with due interest for the belated payment.

For Petitioners : Mr.P.Mohanraj

For respondents : Mr.Abishek Murthy
Government Advocate.



W.P.No.29364 of 2014

WEB COPY

ORDER

This Writ Petition has been filed challenging the order of the second respondent, rejecting the petitioner's claim for medical reimbursement and direct the respondents to reimburse the medical claim submitted by the petitioner with due interest for the belated payment.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The brief of the case is as follows:

The petitioner is an Anganwadi worker and she had enrolled in the New Health Insurance Scheme, 2012. The petitioner husband was admitted in a hospital in Bangalore which is an approved hospital for availing cashless assistance under the New Health Insurance Scheme, 2012. However, the petitioner was not issued with the new insurance card but she was having the erstwhile Star Health & Allied Insurance card which was in force. However, the Hospital authorities did not accept the same and made her to pay for the treatment and asked her to reimburse the same from the Government. When she made a claim for medical reimbursement, the same was rejected stating that the hospital is not an approved hospital under the Medical Insurance Scheme and that the identical card issued by the erstwhile Star Health



W.P.No.29364 of 2014

Insurance Company was valid only till 10.06.2012 and therefore, the treatment taken on 05.12.2012 cannot be reimbursed. Hence, this writ petition.

4. Admittedly, the petitioner was working as an Anganwadi worker in the Child Development Project Office at Somalapuram, Tirupattur, Vellore District. The enrolment of employees under the New Health Insurance Scheme, 2012 is compulsory and the recovery of monthly subscription of Rs.150/- commenced from the month of July, 2012. The petitioner's husband Mr.Rajamani was suffering from heart ailment and on 05.12.2012, he was admitted in Narayana Hrudayalaya Hospitals, Bangalore for Angiogram treatment. At that point of time, the petitioner was not issued with New Health Insurance Card-2012. However, she produced the card issued by the erstwhile Star Health & Allied Insurance card. But the Hospital authorities refused to accept the old card and insisted her to get the signature from the concerned authority or to pay the amount and reimburse the amount from the Government. The petitioner, left with no other option, paid the amount and got discharged her husband from the hospital. The non production of new identity card was not the fault of the petitioner but due to administrative delay in issuing the new insurance card.

5. In fact, the petitioner is paying monthly subscription in order to avail the benefit of the Government Medical Scheme. Being a member of the Scheme, the respondents cannot deny the reimbursement on technical ground



W.P.No.29364 of 2014

WEB COPY

that the hospital is not an approved hospital and she is ineligible to avail treatment as she is an anganwadi worker and this will not disentitle the Government employee from claiming his/her right of medical reimbursement. Further, it is absolutely impracticable to expect a man in stress and strain and in emergency to go and search for the Government Order to find out what are all the hospitals for taking treatment in order to get medical reimbursement. The respondents shall verify the genuinity of the treatment taken and disburse the medical reimbursement claim. Therefore, the rejection of the petitioner's claim for medical reimbursement by the respondent, cannot be countenanced.

6. In view of the above reasons, this Court is inclined to consider the claim of the petitioner. Therefore, the impugned order dated 15.07.2013 is quashed and the respondents are directed to pay the medical reimbursement claim of the petitioner within a period of six weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition stands allowed. No costs.

02.01.2023

Index:Yes/No
Speaking/Non-speaking order
vsi



WEB COPY



W.P.No.29364 of 2014

To

1. The Director of Treasuries and Accounts,
Panagal Buildings
No.1, Jeenis Road,
Saidapet,
Chennai - 600 015
2. The Joint Director of Medical and Rural
Health Services,
Vellore - 632 009



WEB COPY



W.P.No.29364 of 2014

J.NISHA BANU,J.

Vsi

W.P.No.29364 of 2014

02.01.2023