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W.P.No.30159 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.30159 of 2023

and

W.M.P.No.29778 of 2023

1.G.Chengalvarayan
2.C.Pachaiyammal

... Petitioners

Vs.

1.The Commissioner of Treasuries and Accounts,
(National Health Insurance Scheme),
3rd Floor, Perasiriyar,
K.Anbazhagan Maaligai,
No.571, Anna Salai,
Nandanam, Chennai – 600 035.

2.The Divisional Manager,
United India Insurance Company,
Divisional Office VI,
5th Floor, PLA Rathna Tower,
212, Anna Salai, Chennai – 6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to reimburse the medical expenses incurred by the petitioners for the treatment of COVID 19 based on the communication of the 1st respondent to the 2nd respondent vide Rc.No.17452/NHIS-3/2021 dated 20.07.2022.



For Petitioners

: Mr.C.Prabakaran

For R1

: Mrs.V.Yamuna Devi
Special Government Pleader**ORDER**

The relief sought for in the present writ petition is to direct the respondents to reimburse the medical expenses incurred by the petitioners for the treatment of COVID-19 based on the communication of the 1st respondent to the 2nd respondent vide Rc.No.17452/NHIS-3/2021 dated 20.07.2022.

2. The case of the petitioner is that he was working as a teacher and retired from service and he has registered under the National Health Insurance Scheme in policy PPO.No.C361975EDP with United India Insurance Company Limited No.(VPM/T/NHISP14/0428906). The 1st petitioner was affected by COVID-19 and admitted in the hospital from 08.05.2021 to 22.05.2021 and the treatment cost to a sum of Rs.50,119/-. Later the 2nd petitioner was also affected by COVID-19 and admitted in the hospital from 24.05.2021 to 02.06.2021 and incurred for a sum of Rs.2,63,584/- towards medical expenses and the same has to be indemnified by the 2nd respondent.



3. The petitioners state that they have approached the respondents for reimbursement. The 1st respondent by his communication in Rc.No.17452/NHIS-3/2021 dated 20.07.2022 to the 2nd respondent had recommended the name of the petitioners along with the 70 others for the reimbursement of the medical expenses incurred for the COVID-19 treatment based on the eligibility criteria. The said communication has not been acted upon by the 2nd respondent for the reasons not known to the petitioners. Therefore, the petitioners filed an application under Section 19(1) of the Right to Information Act, 2005 dated 03.11.2022 seeking information regarding status of their application and the same was also not disclosed.

4. Even though the efforts have been taken, no order has been passed. Hence, the petitioners have issued a legal notice on 07.12.2022 to the respondents calling upon them to reimburse the medical expenses incurred due to COVID-19. Thereafter, the respondents asked for the documents relating to the treatment in person and the petitioners have also submitted all the relevant documents. Thereafter, the respondents have also assured that the reimbursement of the medical expenses will be settled, but it has not been settled till date. Therefore, the petitioners are constrained to move the present



writ petition.

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5. In this regard, the learned Special Government Pleader appearing on behalf of the 1st respondent would submit that they have already recommended the case of the petitioners to the 2nd respondent and the 2nd respondent has to consider the same.

6. Considering the facts and circumstances of the present writ petition and the issues for reimbursement of the petitioners, this Court is inclined to direct the 2nd respondent to consider the petitioners medical reimbursement for COVID-19 as per their eligibility criteria and based on the communication issued by the 1st respondent dated 20.07.02022 within a period of one (1) week from the date of receipt of copy of this order.



7. Accordingly, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking order : Non-speaking order

Neutral Citation : Yes / No

To

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