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W.P. No. 7127 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

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

**W.P. No.7127 of 2023
and
W.M.P. No.7202 of 2023**

A.V.Kalavathy

... Petitioner

-VS-

- 1 The Principal Secretary to Government
Finance Department Secretariat
Fort St. George Chennai 9
- 2 The Principal Secretary to Government
Medical and Health Department
Secretariat Fort St. George Chennai 9
- 3 The Commissioner
Treasuries and Accounts Department
Integrated Finance Building
No. 571 Anna Salai Nandanam Chennai - 35
- 4 The Pension Pay officer
Treasuries and Accounts Department Third
Floor Integrated Finance Building
No. 571 Anna Salai Nandanam Chennai 35
- 5 The Senior Divisional Manager
M/s. United India Insurance Co Ltd.
Divisional office VI 5th Floor P.L.A Rathna Towers
No. 212 Anna Salai Chennai 6.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call for the entire records of the impugned order of the 3rd respondent in proceedings O.Mu. 3407 / Pu. Ka. Thi-1 / 2021 dated 05.10.2021 by confirming the order of the 5th respondent dated 09.09.2021 and quash the same and consequently direct the 1st 3rd and 4th Respondents to reimburse the total claim of Rs.95,146/- for which the claim has now been made with the interest at the rate of 15 percentage per annum for the delay of setting the claim from 06.07.2020.

For Petitioner : Mr. M.Kempuraj

For Respondents : Mr. N.Naveen Kumar
Government Advocate
(for R1 to R4)

Mr. T.Shanmugham (for R5)

ORDER

Heard Mr. M.Kempuraj, Learned Counsel for the Petitioner, Mr. N.Naveen Kumar, Learned Government Advocate appearing for the First to Fourth Respondents and Mr. T.Shanmugham, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner, who is receiving pension on retirement from service as Special Grade Teacher in Government Aided School, has availed the benefits of the New Health Insurance Scheme, 2018, for Pensioners of the Government of Tamil Nadu in G.O. Ms. No. 222, Finance (Pension) Department dated 30.06.2018 by making periodical contributions towards insurance premia from her pension. It is the case of the Petitioner that she had underwent treatment for COVID – 19 at Maya Nurshing Home Private Limited, Ashok Nagar, Chennai from 01.07.2020 to 06.07.2020 and had incurred medical expenses of Rs. 95,146/- in that regard. When the Petitioner made a claim for reimbursement of the said medical expenses under the New Health Insurance Scheme, 2018, the Third Respondent by letter in O.Mu. 3407 / Pu. Ka. Thi-1 / 2021 dated 05.10.2021 returned the documents received from her by stating that the Fifth Respondent by letter dated 09.09.2021 informed that they could not process her claim for COVID – 19, which are challenged by the Petitioner in this Writ Petition with a consequential direction to the Respondents to make payment of the said sum of Rs. 95,146/- towards reimbursement of medical expenses with interest from the date of making the claim till actual payment.

3. It has been brought to the notice of this Court that after filing of the Writ Petition, the Government of Tamil Nadu by G.O. Ms. No. 165, Finance (Health



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Insurance) Department dated 01.06.2022 has included non-critical COVID

treatment in non-empanelled hospital also and the relevant portion reads as follows:-

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

....

(ii) Government Employees / Pensioners who have already taken treatment for non-critical COVID care in non-empanelled hospitals from 01.03.2020 to till date are directed to submit their claims for reimbursements by applying to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall forward the application along with the documents to the 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 Government Orders first and second read above without reference to the District Level Empowered Committee.”



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WEB COUNCIL

In the light of the aforesaid Governmental Order, it shall be incumbent upon the Respondents to consider the claim of the Petitioner for reimbursement of medical expenses afresh in accordance with the relevant rules.

4. In the aforesaid circumstances, the following order is passed:-
- (i) it shall be incumbent upon the concerned authority to examine the claim made by the Petitioner for reimbursement of medical expenses incurred by her, in the light of G.O. Ms. No. 165, Finance (Health Insurance) Department dated 01.06.2022 forthwith;
 - (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 her 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



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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;
- (v) if the Petitioner still has any grievance to be redressed in the matter, she is not precluded from working out her rights before the proper forum in the manner recognized by law; and
- (vi) the report of completion of the aforesaid exercise shall be filed by 31.08.2023 before the Registrar (Judicial) of the Court.

The Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

12.04.2023

KST

Index: Yes/No

Note: Issue order copy by 27.06.2023.



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The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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