



W.P.(MD)No.1119 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1119 of 2023

and

W.M.P.(MD)Nos.1033 & 1034 of 2023

S.Jayanthi

: Petitioner

Vs.

1.The District Collector

Madurai District,
Madurai District Collectorate,
Madurai - 625 020.

2.The District Backward Class Welfare Officer,

District Backward Class Welfare Office,
Madurai District Collectorate Campus,
Madurai - 625020.

3.The Divisional Manager

United India Insurance Company Limited,
Divisional Office 010 600,
5th Floor, PLA Rathna Tower,
212, Anna Salai,
Chennai - 600 006.

: Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Proceedings issued by the 1st respondent in Na.Ka.No. E5/51096/2016 dated 24.03.2022 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents to reimburse the medical expenses incurred by the petitioner for a sum of Rs.2,80,000/- along with interest at the rate of 12 % per annum.

For Petitioner : Mr.K.Ravi

For Respondents : Mrs.K.Christy Theboral - for R1 & R2
Additional Government Pleader

: Mr.C.Karthick - for R3

ORDER

This writ petition has been filed to quash the Impugned Proceedings issued by the 1st respondent in Na.Ka.No. E5/51096/2016 dated 24.03.2022 and consequently directing the respondents to reimburse



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the medical expenses incurred by the petitioner for a sum of Rs.2,80,000/- along with interest at the rate of 12 % per annum.

2. The learned counsel appearing for the petitioner submitted that the petitioner is working as a Warden in Government Girl Students' Hostel (BC), Thirumangalam, in the Department of Backward and Most Backward Classes Denotified Communities Welfare, Government of Tamil Nadu under the District Backward Class Welfare Office, Madurai District. The petitioner is a member of New Health Insurance Scheme, 2016 and her family members were also covered under the scheme. The petitioner's daughter was admitted in the hospital on 14.03.2021 in the emergency unit in Apollo Hospital, Madurai, as inpatient. However, after intensive care and treatment for 10 days, without recovering from the ailment, she died on 23.03.2021 and the petitioner's daughter completed B.E. degree and preparing for Civil Services examination and the petitioner made a medical reimbursement claim for a sum of Rs.2,80,000/-. However, the same was rejected on the ground that the petitioner's daughter is about 25 years and in view of the G.O.Ms.No.202, Finance (Salaries) Department, dated



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30.06.2016 relying upon clause 4(2) of the Procedures for New Health Insurance Scheme, 2016, Annexure - I, the petitioner's claim was rejected. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that initially the petitioner subscribed the Health Insurance Scheme in the year 2016 for a period of four years upto 30.06.2020 followed by G.O.Ms.279 Finance (Salaries) Department, dated 24.06.2020, for extension of the New Health Insurance Scheme, 2016 for a further period of one year w.e.f. 01.07.2020 to 30.06.2021 by sending a representation to the first respondent through the second respondent on 15.04.2021 along with the hospital bills. The petitioner was under the hopeful impression that the extension will be considered in a proper and prospective manner and admitted her daughter in the hospital on the hope that the entire amount will be reimbursed from the New Health Insurance Scheme. However, relying on the above said clause, the respondents have rejected the petitioner's claim as unsustainable one. Accordingly, she prayed for allowing the writ petition.



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4. Heard the learned counsel on either side and perused the materials available on record.

5. The facts in the present case are not in dispute. Admittedly the petitioner's daughter was admitted in the Apollo Hospital and thereafter, she died. The petitioner made a representation for medical reimbursement, however, the said claim was rejected on the ground that the petitioner's daughter is aged about 25 years. Challenging the same, the present writ petition is filed.

6. For better appreciation, the clause 4 of the implementation procedures for New Health Insurance Scheme, 2016 is as follows :

4. The following family members of the employee shall be covered under the New Health Insurance Scheme, 2016;

(i) Legal Spouse of the Employee;

(ii) Children of the Employee - till they get employed or married or attain the age of 25



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years whichever is earlier and dependent on the employee;

7. A perusal of the above clause 4(ii), makes it clear that the Children of the Employee till they get employed or married or attained the age of 25 years whichever is earlier, dependent of the employee is entitled for medical reimbursement. Admittedly, the petitioner's daughter's date of birth is 01.01.1996 and she had completed 25 years of age as on 01.01.2021, whereas, the petitioner's daughter was admitted in the hospital on 14.03.2021 and lost her breathe on 23.03.2021.

8. In view of the above said clause, the petitioner is not entitled for medical reimbursement and further, the petitioner has not challenged the said clause. Without challenging the said clause, filing the present writ petition is unsustainable one.

9. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to prefer an appeal before the appellate authority as



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mentioned in the impugned order and if any such appeal is filed, the Appellate Authority, without influenced by the order passed in this writ petition, may pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

23.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM

To

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M.DHANDAPANI, J.

RM

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