



W.P.(MD).No.6284 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6284 of 2023

and

W.M.P(MD) No.5965 of 2023

N.Gopalan

...Petitioner

Vs.

1. The Director of Pension,
No.259, Anna Salai,
DMS Compound,
Chennai – 600 006.
2. The Senior Divisional Manager,
United India Insurance Company Limited,
Divisional Office – 010 600,
5th Floor, PLA Ratna Towers,
212, Anna Salai,
Chennai – 600 006.
3. The Joint Director,
Medical and Rural Health Services,
Dharapuram Road,
Tiruppur.
4. The District Collector,
Tirupur District,
Tiruppur.



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5. The Treasury Officer,
District Treasury Office,
Tiruppur.

6. The Sub-Treasury Officer,
Sub-Treasury Office,
Kangeyam,
Tiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order in Ref.No.010600/G/2722/2022, dated 22.12.2022 by the second respondent and to quash the same as illegal and consequently directing the respondents to settle the medical reimbursement claim of the petitioner in respect of surgery underwent for Septoplasty treatment, within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.S.Prasanth
For Respondents	: Mr.S.Shaji Bino Special Government Pleader For R1 and R3 to R6
	: Mr.C.Karthick – for R2 Standing Counsel



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ORDER

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The present Writ Petition has been filed challenging the order passed by the second respondent herein, wherein, the request of the writ petitioner for medical reimbursement has been rejected on the ground that the procedure undergone by the writ petitioner is not covered under G.O.No.222, Finance (Pension) Department, dated 30.06.2018.

2. The writ petitioner was directed to file the discharge summary, so as to verify the procedure undergone by him in Kovai Medical Center and Hospital Limited, Avinashi Road, Coimbatore.

3. A perusal of the discharge summary indicates that the petitioner was admitted to the hospital on 01.12.2021 and he was discharged on 04.12.2021. The Doctors have diagnosed as Sinusitis and Fungal infection. It further reveals that the hospital has followed the Ethmoid Clearance MMA and Clearance Max Sinus Turbinectomy + Septoplasty done was the procedure performed by the hospital.



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4. The learned Standing Counsel appearing for the second respondent herein brought to the notice of this Court that the petitioner has not undergone surgery and the procedure done upon the writ petitioner does not fall within the treatment and surgery that are classified and approved in Annexure No-I under G.O.(Ms)No.222, Finance (Pension) Department, dated 30.06.2018.

5. This Court has perused the Annexure No.I of the said Government Order. In the said Government Order, E.N.T surgery is classified under Clause -X, under Annexure No.I. As per the said No.X, the procedure undergone by the writ petitioner in the Kovai Medical Center and Hospital Limited between 01.12.2021 and 04.12.2021 is not covered. That apart, the learned Standing Counsel appearing for the Insurance Company brought to the notice of this Court that the writ petitioner had made a request for cashless hospitalization under the Health Insurance Policy on 01.12.2021 immediately on his admission. The said request was rejected by the Insurance Company on the same day by intimating the hospital. Only thereafter, the petitioner has undergone the procedure on 02.12.2021.



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6. In view of the above said facts, it is clear that though the petitioner has undergone certain treatment in the hospital, the said treatment is not covered under Annexure No.I to the Government Order. Therefore, the Insurance Company has rightly repudiated the claim made by the writ petitioner. This Court does not find any reason to interfere in the said order impugned in the writ petition.

7. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

18.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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