



W.P.(MD)No.402 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.402 of 2018

and

W.M.P.(MD).No.406 of 2018

M.Rajarathinam

... Petitioner

Vs.

- 1.The Principal Secretary to Tamil Nadu Government,
Finance Department,
Secretariat,
Fort St. George,
Chennai 600 009.
- 2.The Treasury Officer,
District Treasury Office,
Thanjavur,
Thanjavur District.
- 3.The Apollo Specialty Hospitals,
Chennai By Pass Road,
Ariyamangalam,
Old Palpannai,
Trichy 620 010,
Trichy District.



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4.M/s. United India Insurance Company Limited,
Chennai 600 006,
through its Manager.
(R4 is impleaded vide Court order dated
27.01.2023).

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of of Certiorarified Mandamus, calling for the entire records of the first respondent in G.O.(Ms.)No.171, Finance (Pension) Department dated 26.06.2014 and the consequential impugned letter dated 07.09.2017 of the second respondent returning the claim papers of the petitioner for reimbursement of the medical expenses incurred for his wife Krishnaveni and quash the same and directing the respondents 1 and 2 to reimburse the entire medical expenses of Rs.2,53,835/- (Rupees Two Lakhs Fifty Three Thousand Eight Hundred and Thirty Five only) performing surgery on his spouse Krishnaveni, in the third respondent Apollo Specialty Hospitals, Ariyamangalam, Trichy 620 010 to him.

For Petitioner	:	Mr.D.Boopal
For R1 & R2	:	Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3	:	Mr.S.Suresh Kumar Issac Paul
For R4	:	No appearance



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ORDER

This writ petition has been filed challenging the G.O.(Ms.)No. 171, Finance (Pension) Department dated 26.06.2014 and the consequential impugned letter dated 07.09.2017 of the second respondent returning the claim papers of the petitioner for reimbursement of the medical expenses incurred for his wife Krishnaveni and to quash the same and consequently direct the respondents 1 and 2 to reimburse the entire medical expenses of Rs.2,53,835/-.

2. The learned counsel appearing for the petitioner would submit that the petitioner was working as Headmaster in the Government High School, Sundaraperumal Kovil, Kumbakonam Taluk, Thanjavur District and retired from service on 31.07.1998. The petitioner's wife viz., Krishnaveni was admitted in Apollo Hospital, Ariyamangalam in the year 2016 and due to medical treatment, the petitioner has spent a sum of Rs.2,53,835/-. The petitioner is covered by the Government of Tamil Nadu New Health Insurance Scheme and paid a sum of Rs.150/- per month from the pension



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amount. Hence, he has submitted an application to the District Empowering Committee, Collectorate, Thanjavur on 18.01.2017 for medical reimbursement. The second respondent without properly considering the claim made by the petitioner, relying upon G.O.(Ms).No.171, Finance (Pension) Department, dated 26.06.2014, returned the claim papers stating that the District Empowering Committee, Thanjavur did not entertain the claim of the petitioner on the ground that the petitioner's wife was not treated in the Network Hospital. Challenging the same, the present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

4. The issue involved in the present writ petition is no longer *res integra* and covered by the decision of this Court in the case of ***B.Sarada vs. The Director of Pension, DMS Complex, Thenampet, Chennai and others*** in ***W.P.(MD).No.125 of 2017*** dated ***27.02.2017***, wherein this Court



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has observed as follows:

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"3.While dealing with the similar issue of medical reimbursement, I have considered all the aspects, referred to various judgments of this Court and passed an elaborate order in W.P.No.2059 of 2017 (T.Balamani Vs. The Principal Secretary to Government, Finance (Salaried) Department, Secretariat, Chennai and others decided on 27.02.2017 and directed the Government to sanction the amount to the petitioner therein. The order passed by me is extracted below:

"The petitioner seeks to quash the impugned order dated 04.10.2016, by which, her request for medical reimbursement was rejected on the ground that the hospital, in which, the underwent treatment is not an approved hospital. The petitioner in W.P.No.33518 of 2019 also sought a direction to the 1st respondent to reimburse the medical expenses of Rs. 4,44,965/- to the petitioner with adequate interest.

2.The petitioner who has an employee during the period of treatment and now attained superannuation, has approached this Court against the rejection order in respect of her medical claim for the treatment. The request of the petitioner has been rejected by the Government followed by the rejection of the High Level Committee.

3.Learned Government Advocate would submit that the Government, having entered into a contract with the Insurance Company and having paid huge amount to them, cannot be compelled to reimburse the amount for the second time. He would further submit that there are number of net work hospitals in the State and it is impermissible for the Government employees to choose their own hospital for treatment and thereafter claiming reimbursement. If this practice is allowed, then the very purpose of entering into the contract with the Insurance Company will be defeated.



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5. In view of the above, the impugned order passed by the second respondent dated 07.09.2017 is set aside and the matter is remanded back to the District Empowering Committee, Collectorate, Thanjavur and the District Empowering Committee, Collectorate, Thanjavur is directed to sanction eligible medical reimbursement to the petitioner, as per the Scheme, within a period of two months from the date of receipt of a copy of this order.

6. In the result, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

14.02.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

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To

1.The Principal Secretary to Tamil Nadu Government,
Finance Department,
Secretariat,
Fort St. George,
Chennai 600 009.

2.The Treasury Officer,
District Treasury Office,
Thanjavur,
Thanjavur District.



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