



W.P.(MD).No.22716 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22716 of 2023

and

W.M.P(MD)No.18973 of 2023

K.Muthusamy

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Finance Department,
Fort St. George, Secretariat,
Chennai-600 009.**
- 2.The Director,
Medical and Rural Health Services,
DMS Compound,
Chennai-600 006.**
- 3.The District Collector,
Tirupur District,
Tirupur.**
- 4.The Joint Director of Medical Services,
Medical and Rural Health Service,
Tirupur.**



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5.The Sub Treasury Officer,
Office of the Sub Treasury,
Kangeyam,
Tirupur District.

6.The Divisional Manager,
United India Insurance Company Limited,
No.212, Anna Salai,
Chennai-600 006.

... 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 vide in Oo.Mu.No.00027. KaPi1/1/2023, dated 15.06.2023 issued by the second respondent and quash the same as illegal and consequently directing the respondents to settle the medical reimbursement of Rs.5,28,000/- and Rs.2,78,756/- to the total sum of Rs.8,06,756/- in respect of cancer disease treatment of petitioner's wife carried out at Narayana Mazumdar Medical Centre, Bangalore and G.Kuppusamy Naidu Memorial Hospital, Coimbatore respectively.

For Petitioner : Mr.S.Prasanth

For R-1 to R-5 : Mr.N.Muthuvijayan
Special Government Pleader

For R-6 : Mr.Robert Chandrakumar
Standing Counsel



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ORDER

The present writ petition has been filed for a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order vide in Oo.Mu.No.00027. KaPi1/1/2023, dated 15.06.2023 issued by the second respondent and quash the same as illegal and consequently directing the respondents to settle the medical reimbursement of Rs.5,28,000/- and Rs.2,78,756/- to the total sum of Rs.8,06,756/- in respect of cancer disease treatment of petitioner's wife carried out at Narayana Mazumdar Medical Centre, Bangalore and G.Kuppusamy Naidu Memorial Hospital, Coimbatore respectively.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is a senior citizen of aged about 90 years old. The petitioner retired as an Elementary School Headmaster on 01.07.1992. During the year 2017, the petitioner's wife succumbed to a disease and took treatment



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at Narayana Mazumdar Medical Centre, Bangalore. Thereafter, the petitioner and his wife shifted to Kangeyam, Tirupur District, from where, the petitioner's wife continued treatment from 23.11.2017 onwards at G.Kuppusamy Naidu Memorial Hospital, Coimbatore. However, on 29.11.2018, she passed away. A total medical expenditure of Rs.6,94,729/- was incurred by the petitioner towards treatment of his wife. The medical expenditure bill was submitted for reimbursement in the month of December 2018 before the Sub-Treasury Officer at Kangeyam.

4. Thereafter, the Sub-Treasury Officer at Kangeyam forwarded the said letter to the Joint Director of Medical and Rural Health Service, Tirupur, seeking approval for reimbursement of his wife's medical claim, dated 11.02.2019. The Joint Director of Medical and Rural Health Service, Tirupur had considered the medical claim only to a tune of Rs.49,000/- but rejected the claim of bills obtained from G.Kuppusamy Naidu Memorial Hospital, Coimbatore and Narayana Mazumdar Medical Centre, Bangalore for the reason that both of those hospitals were non-network hospitals. Hence, in order to reconsider the reimbursement of medical claim, the petitioner submitted a



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representation on 29.12.2021 before all the concerned officials. The District Collector of Tirupur on receipt of the same forwarded the said letter to the Sub-Treasury Officer at Kangayam to reconsider his claim for reimbursement towards medical claim of his wife. The said exercise was done as early as January 2023. Since it was not considered, the petitioner filed W.P(MD)No. 12992 of 2022 and this Court was pleased to dispose of the same on 09.09.2022, giving liberty to the petitioner to file an appeal before the State Level Empowered Committee. Pursuant to the same, the petitioner submitted an appeal before the respondent on 13.10.2022. He made an appeal before the State Level Empowered Committee. Since there was no response, he further filed W.P(MD)No.6106 of 2023 and this Court disposed of the same directing the respondents to take up the appeal and dispose of the same within four weeks. That was also not complied. Hence, a contempt notice, dated 07.08.2023 came to be issued. In response to the same, the impugned order, dated 15.06.2023 came to be passed. Challenging the same, this writ petition came to be filed.



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5. The learned Standing Counsel for the sixth respondent drew my attention to the impugned order, wherein it has been stated that the petitioner cannot be covered under the New Health Insurance Scheme, since the treatment was taken in non-network hospital under non emergency condition. However, the petitioner's case is recommended by the Committee under the Tamil Nadu Medical Attendance Rules as per the guidelines issued by the Government under Rule 14 Sub Clause 4 of the guidelines for implementation of new Health Insurance Scheme, 2022 for pensioners including spouse, family pensioner. In terms of the said guidelines, Rule 14, Sub Clause 4 and in terms of the mandates of G.O(Ms)No.401 of the Health and Family Welfare (Z1) Department, dated 09.09.2021, the cases in which the claimants have taken treatment in non-network hospital under non emergency condition would be covered under the Tamil Nadu Medical Attendance Rules.

6. In view of the same, this Court hereby directs the petitioner to approach the second respondent further if the application to consider his case under the Tamil Nadu Medical attendance Rules as per the guidelines issued by the Government within a period of two (2) weeks from the date of receipt of a



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copy of this order and on receipt of the same, the fifth respondent is directed to forward the same to the first respondent and the first respondent within a period of four weeks from the receipt of the same is directed to pass orders in accordance with law.

7. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs.

19.09.2023

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

To

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

2.The Director,
Medical and Rural Health Services,
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L.VICTORIA GOWRI, J.

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