



W.P(MD)No.1161 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.1161 of 2017

S.Rajendran

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Treasury Officer,
The Office of the District Treasury,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order passed in Omu.No.163/4/2016/M1, dated 20.07.2016, on the file of the 2nd respondent herein and to quash the same as illegal and direct the respondents to reimburse the medical expenses of Rs.70,851/- as incurred by the petitioner, in accordance with law.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition is filed against the order passed by the 2nd respondent in Omu.No.163/4/2016/M1, dated 20.07.2016 and for a



W.P(MD)No.1161 of 2017

consequential direction to the respondents to reimburse the medical expenses of Rs.70,851/- to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the records.

3. The case of the petitioner is that he is retired Headmaster. He enrolled himself as the member of the New Insurance Scheme introduced by the State Government and he is paying a sum of Rs.150/- as his monthly subscription. On 17.01.2015, suddenly he developed ill health coupled with high fever which resulted in unconscious stage. At that stage, his family members admitted him in Mithra Hospital at Madurai. In order to save his life, the family members of the petitioner hesitated to pay the medical bill, which was urged to be paid by the hospital authorities to undergo the treatment. Left with no other option, when the hospital authorities demanded for cash payment, the family members of the petitioner paid that amount. Thereafter, he was shifted to Vadamalayan Hospital at Madurai for further treatment. Finally, he got discharged on 27.11.2015 by paying actual medical expenses incurred by



W.P(MD)No.1161 of 2017

availing private loan from the neighbor of the petitioner.

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4. Thereafter, the petitioner has submitted his claim for reimbursement of the medical expenses incurred by him for the treatment under the Insurance Scheme. It appears the said claim was placed before the District Level Committee and the District Level Committee rejected the claim of the petitioner in its meeting dated 05.07.2016 and the same was informed to the petitioner by the second respondent vide impugned proceedings. Aggrieved by the action of the respondents, in rejecting the claim of the petitioner and returning all documents to him, the present Writ Petition is filed.

5. On behalf of the second respondent, a counter affidavit has been filed. In the counter affidavit, it is stated that the petitioner has taken treatment in the hospital, which is not recognized by the Government and the petitioner has not taken treatment in the recognized hospital as mentioned in G.O.Ms.No.165 dated 01.06.2016 and hence, the District Level committee has rejected the claim of the petitioner for medical reimbursement.



W.P(MD)No.1161 of 2017

6. The learned counsel for the petitioner submits that the respondents erroneously rejected the claim of the petitioner and as such, the order impugned in this Writ Petition has to be set aside. The learned counsel further submits that the order passed by the second respondent is a consequential order to the decision of the District Level Committee, which is not communicated to the petitioner. The learned counsel also submits that all the grievances pertaining to the Insurance Policy are considered by this Court in the case of *N.Raja vs. Government of Tamil Nadu reported in 2016(3) CTC 394* and sought to remand this matter to the District Level Committee for fresh consideration in the light of the said Judgment of this Court.

7. The learned Special Government Pleader submits that as per the terms and conditions of the Insurance Policy, the petitioner's claim is rejected and as such, there is no irregularity in passing the impugned order.

8. Having heard the submissions of the respective counsels and upon perusal of the materials available on record, it appears that there is no dispute between both the parties about the ill health and treatment



W.P(MD)No.1161 of 2017

taken by him and also with regard to the quantum amount claimed by the petitioner. The respondents rejected the claim of the petitioner on the ground that as per the Scheme, the petitioner is entitled for cashless treatment. But, in the present case, the petitioner paid cash to the hospital, where he took treatment and as it is against the terms and conditions of the policy, as per the respondents the petitioner is not entitled for reimbursement.

9. It is very strange to note that in the impugned order, the respondents are contending that since the petitioner paid cash to take treatment, his claim is rejected. But, in the counter, it is contended that the petitioner took treatment in the non recognized hospital and that is the reason for rejection.

10. On a careful consideration of the contradictory stand of the respondents in rejecting the claim of the petitioner, in the considered opinion of this Court, the order impugned is passed without application of mind and without consideration the facts and circumstances of the case in proper perspective. Accordingly, the order of the District Level Committee and the consequential order of the third respondent impugned



W.P(MD)No.1161 of 2017

in this Writ Petition are unsustainable under law.

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11. Accordingly, the order impugned in this Writ Petition is liable to be set aside.

12. While considering all issues involved in implementing the new insurance scheme, this Court, in the case of N.Raja vs. Government of Tamil Nadu reported in 2016(3) CTC 394 as stated supra, issued the following directions:

- (i) All the impugned orders in the respective writ petitions in this batch of cases, are hereby quashed.*
- (ii) The writ petitions where impugned orders are quashed as well as the writ petitions where mandamus sought for, are hereby remanded with directions to the concerned District Level Empowered Committee, before whom, these matters shall be placed and the Committee shall reconsider every individual case.*
- (iii) While reconsidering, the Committee shall not reject any claim merely on the reason of non network hospital or non listed disease.*
- (iv) The Committee, wherever possible, shall give suitable direction to the Insurance Company to reimburse the claim made by the respective claimant / employee / pensioner.*



(v) *If the Committee finds some cases where the Insurance Company cannot be directed to reimburse, in those cases, suitable orders shall be passed directing / recommending State authorities to reimburse the claim Medical Attendance Rules.*

(vi) *Once such orders are passed, the Company shall immediately reimburse medical claim with 6% interest from the date due till date of payment, within a period of days from the date of receipt of such order be passed by the Empowered Committee of the District concerned.*

(vii) *On receipt of such orders/from the Empowered , the Sanctioning authority/State/High Power Committee in the State shall pass necessary orders allowing the medical reimbursement claimed by the individual/employee/pensioner under the Medical Attendance Rules.*

(viii) *While ordering medical under Medical Attendance Rules, rate approved, accepted or quoted by the Company under the Medical Insurance Scheme shall be taken as the rate and by calculating the reimbursement on the said rate, the reimbursement claim shall be immediately sanctioned and the amount shall be reimbursed to the claimant with 6% interest form the date of due till date of payment, within a period of thirty days from the receipt of the recommendation/order from the District Empowered Committee.*



W.P(MD)No.1161 of 2017

13. In the said judgment, this Court gave specific directions with regard to cash payment issue. In my considered view, the order passed by this Court, as stated supra, is squarely applicable to the facts and circumstances of the case and accordingly, it is appropriate to remand this matter back for fresh consideration of the District Level Committee in the interest of justice.

14. Accordingly, this Writ Petition is disposed of with the following directions:

- i) the petitioner shall re-submit his claim petition with all requisite documents to the competent authority within a period of one week from today to forward the same to the District Level Committee;
- ii) On receipt of the claim petition, the competent authority shall forward the same to the District Level Committee within one week thereafter;
- iii) On receipt of the claim petition, the District Level Committee shall consider it in the light of the judgment stated supra in the case of *N.Raja Vs. Government of Tamil Nadu reported in 2016(3) CTC 394* and to take decision within a period of four weeks thereafter.



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W.P(MD)No.1161 of 2017

14. No costs.

12.09.2023

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

Note: Issue order copy on **19.09.2023**

To,
1.The District Collector,
Madurai District, Madurai.

2.The Treasury Officer,
The Office of the District Treasury,
Madurai.



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W.P(MD)No.1161 of 2017

BATTU DEVANAND, J

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W.P(MD)No.1161 of 2017

12.09.2023