



WEB COPY



W.P. No.875 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. No.875 of 2023

A.K. Loganathan

Petitioner

Vs

- 1 The Joint Director of Health Services
Salem 636 001
- 2 The District Collector/Chairman
District Level Empowered Committee
Salem District
Salem
- 3 The Assistant Treasury Officer
Sub Treasury Office
Mettur
Salem District
- 4 The Senior Divisional Manager
Divisional Office No.VI
United India Insurance Company Ltd.
V Floor, Rathna Towers
No.212, Anna Salai
Chennai 600 006

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to disburse/reimburse forthwith the medical expenses of Rs.1,04,721/- incurred by the petitioner towards



W.P. No.875 of 2023

treatment undergone by him in Kovai Medical Centre and Hospital Ltd. Coimbatore-14, which has been recommended by the District Level Empowered Committee, Salem.

For Petitioner	Mr. R. Thamaraiselvan
For R1	Mr. M. Bindran Additional Government Pleader
For R4	Mr. G. Guruswaminathan for M/s. Nageswaran & Narichania

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to disburse/reimburse the medical expenses of Rs.1,04,721/- incurred by the petitioner towards the treatment undergone by him in Kovai Medical Centre and Hospital, Coimbatore, which is recommended by the District Level Empower Committee, Salem.

2. The case of the petitioner is that he retired from Government service as Assistant Agricultural Officer in the Department of Agriculture, Government of Tamil Nadu, on 31.01.2009. During July 2018, the petitioner was admitted as inpatient in Kovai Medical Center and Hospital Limited, Coimbatore. The petitioner underwent a surgery and he was discharged on



W.P. No.875 of 2023

08.02.2019. The petitioner remitted a sum of Rs.1,04,721/- towards medical expenses. Thereafter, the petitioner submitted an application for reimbursement of this amount under the National Health Insurance Scheme (NHIS). The petitioner also participated in the meeting conducted by the District Level Empowered Committee, Salem, on 11.10.2009. They recommended the claim made by the petitioner to the 4th respondent/Insurance Company. All the relevant documents were also sent to the 4th respondent.

3. The grievance of the petitioner is that the 4th respondent did not act upon the same and hence, the present writ petition was filed before this Court.

4. Heard both sides and perused the materials placed on record.

5. The claim that is made by the petitioner under NHIS is covered under G.O.Ms.No.222, Finance (Pension) Department, dated 30.06.2018. A Memorandum of Understanding was entered into between MD India Health Care Services (TPA) Pvt. Ltd. and Kovai Medical Center and Hospital Limited, Coimbatore. A particular procedure is contemplated to be followed while seeking for reimbursement.



W.P. No.875 of 2023

6. The learned counsel appearing for the 4th respondent submitted that the petitioner did not follow the proper procedure. On going through the materials, it is seen that as per the package under the Scheme, for the operation that was undergone by the petitioner, only a sum of Rs.28,000/- is permissible under the package.

7. This Court is not concerned about the procedure, since ultimately, the petitioner was a member under the NHIS. However, as per the Scheme, for the operation/procedure undergone by the petitioner viz., Lithotripsy, including DJ Stent, only a sum of Rs,28,000/- is provided under the package. The petitioner will be entitled to receive only the sum that has been fixed under the package and nothing more. Even though the petitioner had incurred a sum of Rs.1,04,721/- as medical expenses, the petitioner will be entitled to only Rs.28,000/-, under the package. It is submitted that this sum had already been paid to the petitioner.

8. The learned counsel for the petitioner relied upon the decision of this Court in *Valli vs. The Divisional Manager, United India Insurance Company, Chennai and Another (W.P.No.9611 of 2011 decided on*



W.P. No.875 of 2023

21.12.2011) to substantiate her submission that the petitioner is entitled to reimbursement of the entire amount with interest.

9. This Court carefully went through the order relied upon by the learned counsel for the petitioner. That was a case where a widow, who lost her husband, had made a claim under the Manul Workers General Welfare Fund. The death of her husband was taken to be a natural death and therefore, only a sum of Rs.12,000/- was paid. However, the widow claimed that it was a death by accident and therefore, she is entitled to a sum of Rs,1,00,000/-. This Court went through the entire materials and found that the death of the husband was only due to accident and therefore, the wife is entitled to a sum of Rs.1,00,000/-. This amount was directed to be paid with interest. The case that was relied upon by the petitioner will not be applicable to the facts of the present case.

In the light of the above discussion, the relief sought by the petitioner cannot be granted and accordingly, this writ petition is dismissed. No costs.

23.08.2024

gya

Index : Yes/No

Neutral Citation : Yes/No



WEB COPY



W.P. No.875 of 2023

N. ANAND VENKATESH, J.

gya

To

- 1 The Joint Director of Health Services
Salem 636 001
- 2 The District Collector/Chairman
District Level Empowered Committee
Salem District, Salem
- 3 The Assistant Treasury Officer
Sub Treasury Office
Mettur, Salem District
- 4 The Senior Divisional Manager
Divisional Office No.VI
United India Insurance Company Ltd.
V Floor, Rathna Towers
No.212, Anna Salai
Chennai 600 006

W.P. No.875 of 2023

23.08.2024