



WEB COPY



Writ Petition No.547 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.547 of 2023

Elangovan

S/o.Kathiresan

... Petitioner

Vs.

1.The Principal Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai - 600 009.

2.The District Collector,
Villupuram District,
Villupuram.

3.The Director of Treasuries and Accounts,
No.1, Jeenis Road,
Panagal Building,
Saidapet, Chennai - 600 015.

4.The Director of Medical and Rural Health Service,
No.36 1, Anna Salai,
DMS Complex, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the third respondent to disburse the medical reimbursement amount of Rs.2,09,850/- to the petitioner along with interest as per the first respondent communication dated 30.08.2022 within a time frame to be fixed by this Court.



Writ Petition No.547 of 2023

For Petitioner : Mr.D.Raghu

For Respondents : Mr.M.Bindran,
Additional Government Pleader
[R1, R3 & R4]
Mr.P.Balathandayutham
Special Government Pleader [R2]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the third respondent to disburse the medical reimbursement amount of Rs.2,09,850/- to the petitioner with interest as per the communication of the first respondent dated 30.08.2022.

2. The case of the petitioner is that he was working as the General Manager at the Tamil Nadu State Transport Corporation, Madurai Region. The petitioner is also paying annual premium towards the New Health Insurance Scheme that was brought out by the Government of Tamil Nadu and which was implemented by the G.O.Ms.No.202, dated 30.06.2016.

3. The further case of the petitioner is that during the Covid outbreak, the petitioner's wife and sons were admitted in an accredited



hospital. They took treatment and they were discharged on 09.10.2020.

The petitioner was making a request for reimbursement of the medical expenses incurred by him. Such request was also placed before the District Level Empowered Committee. On 13.08.2021, the Committee also recommended that the petitioner is eligible to get the family medical expenses.

4. The petitioner, thereafter, sent representations to the respondents, to reimburse the medical expenses incurred by him. Since the same did not evoke any response, the present writ petition has been filed seeking for appropriate directions.

5. The third respondent has filed a counter affidavit. The relevant portion in the counter affidavit is extracted hereunder:

"8. Regarding the averments made by the petitioner in the paragraph 5 of the affidavit, it is submitted that the petitioner herein has been informed to submit the original medical documents by the 3rd respondent viz., the Commissioner of Treasuries and Accounts, Chennai vide letter Rc.No.3330/NHIS-1/2023, Dated:07.03.2023. In this regard, the petitioner has sent the copy of medical documents without enclosing the discharge summaries for the treatment taken by him and his family members and again the petitioner herein has been informed to submit the original medical documents by 3rd respondent vide letter Rc.No.3330/NHIS-1/2023, Dated:26.06.2023 for further action and on submission of all medical documents the same will



WEB COPY



Writ Petition No.547 of 2023

be forwarded to insurance company to process and settle the eligible amount. As per the G.O.Ms.No.280, Finance (Salaries) Department, Dated 24.06.2020, the COVID-19 medical reimbursement application of the petitioner herein has to be sent to insurance company through the O/o.Commissioner of Treasuries and Accounts for further action."

6. Heard Mr.D.Raghu, learned counsel for petitioner, Mr.M.Bindran, learned Additional Government Pleader appearing for respondents 1, 3 and 4 and Mr.P.Balathandayutham, learned Special Government Pleader appearing for second respondent.

7. The petitioner is covered under the New Health Insurance Scheme. He has also incurred medical expenses towards treatment of his wife and children. The entitlement of the petitioner has not been questioned. The third respondent has, in fact, stated in the counter affidavit that the petitioner can submit all the original documents. According to the third respondent, the copy of the medical documents alone was sent by the petitioner without enclosing the discharge summaries for the treatment that was taken by the petitioner and his family members. The third respondent has claimed that once the petitioner complies with the request made by the third respondent, it will



Writ Petition No.547 of 2023

be forwarded to the insurance company to process and settle the amount as per G.O.Ms.No.280, dated 24.06.2020.

8. It is seen from the communication dated 15.09.2021 that the District Level Committee has already received the entire medical records from the petitioner and has recommended for reimbursement. This District Level Committee is headed by the District Collector. A copy of the same has also been marked to the third respondent. Therefore, there is no question of once again directing the petitioner to furnish all the original records which have already been furnished by the petitioner to the District Level Committee.

9. In the light of the above discussion, there shall be a direction to the third respondent to act upon the recommendation made by the District Level Committee through proceedings dated 15.09.2021 and also the communication made by the first respondent dated 30.08.2022 and reimburse the medical expenses incurred by the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. If the amount is not reimbursed within the time stipulated by this Court, the same will carry interest at the rate of 7.5% from the date on which it



WEB COPY



Writ Petition No.547 of 2023

N.ANAND VENKATESH, J

gm

became due and payable till the date of actual payment. The petitioner is directed to submit a formal representation to the third respondent along with all the relevant documents and also a copy of this order.

This writ petition is disposed of with the above direction. No costs.

06.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

gm

To

1.The Principal Secretary to Government,
Finance (Pension) Department,
Secretariat, Chennai - 600 009.

2.The District Collector,
Villupuram District, Villupuram.

3.The Director of Treasuries and Accounts,
No.1, Jeenu Road,
Panagal Building,
Saidapet, Chennai - 600 015.

4.The Director of Medical and Rural Health Service,
No.36 1, Anna Salai,
DMS Complex, Chennai.

Writ Petition No.547 of 2023