



WEB COPY



W.P.No.6797 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6797 of 2022

G.Sundaravaradharajan

... Petitioner

Vs.

1.Government of Tamil Nadu
Rep.by Secretary to Government
Finance Department
Secretariat, Chennai – 600 009.

2.The District Collector
Ranipet District
Ranipet.

3.The Commissioner of Treasuries and Accounts
Nandanam, Chennai – 600 035.

4.The District Treasury Officer
Ranipet District
Ranipet.

5.The Assistant Treasury Officer
Arcot
Ranipet District.

6.United India Insurance Company Ltd.,
Represented by its General Manager
Whites Road, Chennai – 600 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India



W.P.No.6797 of 2022

praying to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent relating to order in Na.Ka.No.124/2021/A1 dated 21.01.2022 to quash the same and consequently direct the respondents to sanction the entire amount of Rs.1,23,041/- and deduct the amount already paid by the respondents (Rs.1,23,041 -Rs.74,500 = Rs.48,541/-) and pay the balance of Rs.48,541/- (Forty eight thousand five hundred and forty one only) and disburse within a limited time frame.

For the petitioner	:	Mr.P.Murali
For the respondents	:	Mr.V.P.R.Elamparithi
		Additional Government Pleader
		for RR1 to 5
		Mr.P.Sankaranarayanan
		for R6

ORDER

This Writ Petition has been filed challenging the order passed by the 4th respondent dated 21.01.2022, whereby the 4th respondent restricted the medical reimbursement amount only to the tune of Rs.74,500/-

2. It is averred in the affidavit of the present Writ Petition that the petitioner's father was a retired Teacher and he is receiving his monthly pension with effect from 01.03.2001. After the retirement of the petitioner's father, he joined the New Health Insurance for pensioners and their family members and possessed the identity card issued by the 6th respondent. While so, the petitioner's mother fell ill and she was admitted at Saveetha Medical College



W.P.No.6797 of 2022

Hospital, Thandalam, Chennai for emergency treatment. Further, she underwent a surgery in the said hospital. However, on 04.10.2017 the petitioner's mother died due to her ailments. Thereafter, the petitioner's father submitted the original medical bills incurred for the treatment of his mother, for an amount of Rs.1,23,041/- through the Assistant Treasury Officer, Arcot, in order to submit the same before the District Collector – cum – Chairman of Empowered Committee, Vellore.

3. Since as per G.O.Ms.No.171, Finance (Pension) Department dated 26.08.2014, the hospital under which the petitioner's mother has got treatment is not included in the approved list of hospitals, the reimbursement claim amount has not been settled. Therefore, the petitioner approached this Court by way of W.P.No.34225 of 2019 and this Court by an order dated 10.12.2019 directed the respondents therein to consider the claim of the petitioner. Since no response from the respondents, the petitioner filed Contempt Petition in Cont.P.No.569 of 2021. In the Contempt proceedings, as against the claim amount of Rs.1,23,041/-, a sum of Rs.74,500/- alone was reimbursed by the respondents and this Court by an order dated 19.11.2021 closed the Contempt Petition, however granted liberty to the petitioner to work out his remedy with regard to the non settled amount. Hence the present Writ Petition.



W.P.No.6797 of 2022

WEB COPY

4. Heard the learned counsel for the petitioner, the learned counsel for the respondents and also perused the material records of the case.

5. This is the second round of litigation. Admittedly, the petitioner's father is the beneficiary of the 6th respondent health insurance. A sum of Rs.150/- has been deducted from his monthly pension. The rejection of the claim is on the ground that the treatment was taken in a hospital which was not included in the approved list. The claim of the petitioner is not on cashless basis however, he only sought for reimbursement through original medical bills. As per G.O.Ms.No.171, Finance (Pension) Department dated 26.06.2014, the pensioners (including spouse) / family pensioners on a cashless basis, with provision to avail assistance upto Rs.2 lakhs was granted. That apart, this Court in number of Judgments had held that emergency care that has been rendered by a hospital which was not included in the approved list and expenses incurred on emergency care are liable to be settled, notwithstanding anything to the contrary in the Scheme.

6. In view of the above, the impugned order cannot be sustained and accordingly stands set aside. The respondents 2 and 6 are directed to disburse



W.P.No.6797 of 2022

the balance claim amount of Rs.48,451/- with interest at the rate of 6 % per annum within a period of six weeks, from the date of receipt of a copy of this order. Interest shall be calculated from the date of disbursement of earlier amount till the date of realization.

7. With the above directions, this Writ Petition stands disposed of. No costs.

04.07.2024

Jer

Index : Yes/No

Internet : Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes/No

To

1.The Secretary to Government
Government of Tamil Nadu



W.P.No.6797 of 2022

Finance Department
Secretariat, Chennai – 600 009.

WEB COPY

2.The District Collector
Ranipet District
Ranipet.

3.The Commissioner of Treasuries and Accounts
Nandanam, Chennai – 600 035.

4.The District Treasury Officer
Ranipet District
Ranipet.

5.The Assistant Treasury Officer
Arcot
Ranipet District.

G.K.ILANTHIRAIYAN, J.,
Jer



WEB COPY



W.P.No.6797 of 2022

W.P.No.6797 of 2022

04.07.2024