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W.P.No.8080 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8080 of 2020

Mrs.Lalitha Parameswaran

... Petitioner

Vs.

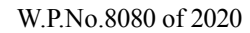
1.The Principal Secretary / Director of
Treasuries Accounts,
Directorate of Treasuries Accounts,
Amma Valagam, 3rd Floor,
Nandanam, Anna Salai,
Chennai 600 035.

2.The Director,
Director of Medical and Rural Health Services,
359, Anna Salai,
Chokkalingam Nagar,
Teynampet, Chennai 600 006.

3.The Divisional Manager,
United India Insurance Company Limited,
Divisional Office - VI,
PLA Rathna Tower, 5th Floor,
212, Anna Salai, Chennai 600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the communication passed by the first respondent in



For Petitioner : Mr.K.Rajasekaran
For Respondents : Mr.S.Arumugam, GA

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the communication passed by the first respondent in Mu.Mu.No.014620/O.Pu.Ma.Ka.Th/2019 dated 26.04.2019 and quash the same and direct the respondents to disburse the medical claim of the petitioner.

3. The petitioner is aggrieved due to the rejection of the claim for medical reimbursement of the petitioner's late husband H.S.Parameswaran who is a pensioner. The husband of the petitioner is a Government Servant. According to the petitioner, the petitioner's husband



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is a subscriber of the health insurance scheme of the United India Insurance Company. The petitioner's husband had undergone a procedure in Orthopedic / Arthroplasty surgery in a network hospital. Subsequent to Arthroplasty surgery, the petitioner's husband developed Cardio Respiratory arrest and Cardiogenic shock and he died on 05.02.2017. Despite repeated request made by the petitioner, the sanction of medical reimbursement was not made.

4. However, the petitioner was informed that the District Level Empowered Committee had recommended the petitioner's entitlement for reimbursement to the State Level Empowered Committee. However, the first respondent sent a communication stating that the matter would be placed before the High Level Empowered Committee. The impugned order has been passed without stating any reason as to why the petitioner's claim was not accepted by the High Level Empowered Committee. Hence the petitioner is before this Court.

5. The petitioner's husband is a pensioner and a senior citizen who got retired a decade before and died on 05.02.2017. For atleast six years,



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the petitioner who is also a senior citizen was running from pillar to post to get the medical reimbursement. In the communication dated 26.04.2019, it is stated that the High Level Empowered Committee will decide about the entitlement of the petitioner. The District Level Committee has rejected the claim of the petitioner by stating that the treatment taken by the petitioner's husband is not a recognised treatment. By communication dated 02.04.2018, the Director of Rural Health and Medical Services has informed the petitioner that the treatment was taken in network hospital but the hospital is having only cardio procedure. The individual was treated for Bipolar Arthroplasty Right Hip. As this procedure is not covered in this hospital, the Committee rejected the claim of the petitioner.

6. The very claim of the petitioner is that the individual was treated for Bipolar Arthroplasty and he developed cardiological complications subsequent to the procedure. The reason for rejection of the petitioner's claim is that the hospital is not recognised for particular treatment despite it is found place in the list of network hospitals. Series of judgments have



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been rendered that rejection of medical reimbursement cannot be made on the ground that the hospital is not a network hospital or not a listed treatment. So far as the treatment taken by the deceased husband of the petitioner is concerned it was provided in Hariharan hospital and it was only a network hospital. Hence the respondents should not make the senior citizen like the petitioner to run from pillar to post stating reasons according to their whims.

7. In this regard, clear guidelines have already been given in the judgment of this Court made in a batch of Writ Petitions in ***W.P.(MD) Nos.13429 of 2013 etc.,dated 28.05.2019 (S.Marimuthu Vs. The Government of Tamil Nadu and others)***, as under:

"80. In order to reconsider all these claim made by the respective writ petitioners for medical reimbursement, by remitting the matters back, the following directions are issued:

(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



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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 the State authorities to reimburse the claim under Medical Attendance Rules.

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

(vii) On receipt of such orders / recommendation



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from the Empowered Committee, the Sanctioning authority / State authority / High Power Committee in the State Level shall pass necessary orders allowing the medical reimbursement claimed by the individual claimant / employee / pensioner under the Medical Attendance Rules.

(viii) While ordering medical reimbursement under Medical Attendance Rules, the rate approved, accepted or quoted by the Insurance 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 from 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."

8. The respondents did not consider the Clauses (v) and (vii) of the above judgment in order to enable the petitioner to get the medical reimbursement. No where it is stated by the respondents that the petitioner has made a claim for medical reimbursement on the basis of



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any false treatment. The treatment given to the petitioner's husband is genuine. Since the respondents does not claim that the hospital in which the petitioner's husband was given treatment is a non-network hospital, no much fuss can be made in respect of the disease for which the petitioner's husband had taken treatment. Hence the impugned order is liable to be set aside.

9. In view of the above stated reasons, this Writ Petition is allowed and the impugned order passed by the first respondent in Mu.Mu.No.014620/O.Pu.Ma.Ka.Th/2019 dated 26.04.2019 is set aside. The respondents are directed to re-consider the claim of the petitioner and pass appropriate orders for medical reimbursement within a period of four weeks from the date of receipt of a copy of this order. No costs.

29.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To
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- 1.The Secretary to the Governor,
Raj Bhavan, Chennai 600 022.
- 2.The Deputy Secretary to Governor
and Comptroller,
Raj Bhavan, Chennai 600 022.



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R.N.MANJULA, J.

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