



W.P.No.14081 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.14081 of 2021

G.Masilamani
Petitioner

...

Vs.

1. The State of Tamil Nadu,
rep by The Additional Chief Secretary to Government,
Finance Department,
Fort St. George,
Chennai 600009.
2. The Director of Medical & Rural
Health Services, DMS Compound,
No 359, Anna Saalai,
Teynampet, Chennai-600 006.
3. The District Collector of Namakkal
District/ Chairman,
District Level Empowered Committee,
Namakkal.
4. The Joint Director of Medical &
Rural Health Services,
Namakkal.
5. The District Treasury Officer,



W.P.No.14081 of 2021

District Treasury, Namakkal.

6. The Assistant Treasury Officer,
Sub Treasury, Rasipuram,
Namakkal District.

7. The Divisional Manager,
United India Insurance Company Limited,
Divisional Office VI PLA Rathna Towers,
5th Floor, No.212,
Anna Saalai, Chennai 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order issued by the 6th Respondent in proceedings Na Ka. No. 109/2021/A, dated 18.03.2021 and quash the same and consequently direct the Respondents to pay a sum of Rs.2,18,477.50 /- (Rupees Two Lakhs Eighteen Thousand Four Hundred Seventy Seven & Paise Fifty) towards reimbursement of the medical expenses incurred by the petitioner with interest at the rate of 12% per annum.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.G.Ameedius,
Government Advocate for RR1 to 6

ORDER

Heard, Mr.R.Prem Narayan, learned counsel for the petitioner,
Mr.G.Ameedius, learned Government Advocate for the respondents 1 to 6 and



perused the materials available on record.

2. The petitioner has filed a writ of Certiorarified Mandamus by challenging the impugned order passed by the 6th Respondent dated 18.03.2021 and to direct the Respondents to pay a sum of Rs.2,18,477.50 /- (Rupees Two Lakhs Eighteen Thousand Four Hundred Seventy Seven & Paise Fifty) towards reimbursement of the medical expenses incurred by him with interest at the rate of 12% per annum.

3. The petitioner is a retired government employee who is the subscriber of the New Tamil Nadu Pension Scheme sponsored by the State Government. The petitioner had undergone treatment for Tread Mill Test and Coronary Angiography in a non network hospital by name G.Kuppusamy Naidu Memorial Hospital, Coimbatore and was diagnosed to be suffering from diabetes mellitus, Dyslipidemia, Peripheral Vascular disease, TMT- Moderate At 8 METS and CAG-Two Vessel Disease and immediately he was advised to undergo the procedure of Percutaneous Coronary Intervention, PCI [Angioplasty] to his right coronary Artery. In view of this emergency situation, he got admitted in the same hospital and had undergone the procedure on 20.02.2020. Subsequently, he was discharged on 22.02.2020. When he submitted the medical bills for a sum of Rs.2,18,477.50 /- (Rupees Two Lakhs Eighteen Thousand Four Hundred Seventy



Seven & Paise Fifty) for reimbursement, it was rejected on the ground that the hospital in which the petitioner had taken treatment is a non-network hospital.

4. The 5th respondent has filed counter by stating that as per the terms of the insurance scheme, the petitioner who had taken treatment at a non-network hospital, is not eligible to get the benefits under the New Health Insurance Scheme; but in umpteen number of cases, very same situation had surfaced it has been held that if the treatment has been taken in a non accredited hospital in view of the medical emergency, the respondent shall not deny the benefit of reimbursement under the New Health Insurance Scheme.

5. This Court, in an earlier occasion, has passed an order in WP.No.16997/2021 dated 07.11.2023 in similar lines with the following observation:

“8.The essential facts which has to be appreciated is whether the treatment alleged to have been undergone by the Government servant or his family members who are eligible for reimbursement have really taken the treatment or whether the medical reimbursement is allowed for the alleged treatment. The list of accredited hospitals are to the benefit of the Government servants and it is a first line information to them about the best hospitals where they can have a better access, facility and treatment. But this act should be made more cumbersome to deny the benefit even when the beneficiary chooses to take treatment at a hospital of his own choice, but for the disease or the type of the treatment for which reimbursement is permitted.

9.In the case at hand, the learned counsel for the petitioner submitted that the petitioner needed an emergency treatment and he had



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W.P.No.14081 of 2021

taken immediate treatment at Kauvery HCG Cancer Centre, Hospital in Chennai. If the opted hospital does not find place in the accredited list, that can be viewed at the worst as an irregularity.

10.The object of the scheme is to ensure availability of better medical facility and service available to the employees/pensioners covered through any Insurance Schemes sponsored by the government or directly by the Government itself. It is advisable for a beneficiary to take treatment in the accredited hospitals, to avail future compensation. However, the rule cannot be viewed so narrowly for denying the reimbursement for the treatment taken outside the purview of the listed hospitals.

11.It is always open to the Government to refer the medical papers and the beneficiary to an Expert Committee, if it is so felt by Government to assess the genuineness and necessity of the treatment taken by the Government servant on a case to case basis and give proper recommendation to the second respondent for reimbursement.

12.So in my considered view, the Government has to reconsider the claim made by the petitioner in the light of the above observation and also in the light of the observations made by the learned Division Bench of this Court in W.A (MD) No.1382 of 2017 dated 09.11.2017.

13.It is learnt that at the time of filing the application for reimbursement the District Collector, Nagapattinam had the jurisdiction and after bifurcation, it fell under Mayiladuthurai District. Therefore, the first and third respondents are directed to forward the claim application to the Mayiladuthurai District.

14.In the result, this Writ Petition is allowed and the impugned order passed by the second respondent / United India Insurance Company Ltd., vide letter dated 19.01.2018 is set aside and respondents 1 and 3 are directed to forward the claim of the petitioner to the District Collector, Mayiladuthurai District, within two weeks who in turn shall consider the claim of the petitioner by taking into consideration of the object of the Scheme and give appropriate recommendation within a period of two weeks to the second respondent and the second respondent on receipt of the same shall pass necessary orders for reimbursement of the medical expenses, within a period of two weeks from the date of order of receipt of the recommendation. Consequently, the connected miscellaneous petitions are closed. No costs.”.

6. Since the issue involved in this Writ Petition is also similar as that of the issue dealt in the above Writ Petition, this Writ Petition has to be allowed by extending the benefit equally to the petitioner.



W.P.No.14081 of 2021

7. In the result, this Writ Petition is **allowed** and the impugned order passed by the 6th respondent vide proceedings Na.Ka.No.109/2021/A, dated 18.03.2021 is set aside and respondents 4 to 6 are directed to forward the claim of the petitioner to the District Collector, Namakkal District, within two weeks who in turn shall consider the claim of the petitioner by taking into consideration of the object of the Scheme and give appropriate recommendation within a period of two weeks to the second respondent and the second respondent on receipt of the same shall pass necessary orders for reimbursement of the medical expenses, within a period of two weeks from the date of order of receipt of the recommendation. No costs. Consequently, the connected miscellaneous petitions are closed.

27.02.2024

Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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To

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