



WEB COPY



W.P.No.14918 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.14918 of 2020

M.Madhan

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009

2. The Principal Secretary to Government,
Finance (Pensions Department),
Chairman High Level Empowered Committee,
Secretariat,
Chennai – 600 009

3. The United India Insurance Company Limited,
Represented by its Divisional Manager,
5th Floor, PLA Rathna Towers,
No.212, Anna Salai,
Chennai – 600 006

4. The Director Medical and Rural
Health Services,
Chennai – 600 006

5. The Commissioner of Treasuries and Accounts,
Companied Finance Building,
3rd Floor, Hospital Compound,
Nandanam,



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Chennai – 600 035

6, SABHARI Eye Care Hospital,
No.7/2, Co-Operative Colony,
3rd Cross, Near Repco Bank,
Krishnagiri – 635 001

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 02.03.2020 of the 3rd respondent, quash the same and issue consequential directions to the 2nd and 4th respondents to examine the claim of the petitioner for reimbursement under the Tamil Nadu Medical Attendance Rules and settle his claim with 9% interest.

For Petitioner : Mr.J.Muthukumaran

For Respondents 1, 2 &4 : Mr.K.Tippu Sultan
Government Advocate

For Respondent 3 : Mr.P.Sankaranarayanan

For Respondent 5 : No Appearance

ORDER

This writ petition has been filed challenging the order dated 02.03.2020 passed by the 3rd respondent and for a consequential direction to the 2nd and 4th respondents to examine the claim of the petitioner for reimbursement under the Tamil Nadu Medical Attendance Rules and settle his claim with 9% interest.

2. The facts in brief as per the affidavit is as follows:



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The petitioner is a government pensioner, who joined the new Health Insurance Scheme, 2014 for pensioners as per G.O.Ms.No.171 Finance (Pension) Department dated 26.06.2014. He paid a monthly subscription of Rs.150/- every month for the scheme and the same was deducted from his monthly pension. The petitioner underwent cataract surgery (for both eyes) at Sabhari Eye Care Hospital / 5th respondent and paid Rs.78,100/-. After discharge, he made representation to the 4th respondent for medical reimbursement, but the same was rejected by proceedings dated 26.08.2019 on the ground that he had taken treatment at a non-network hospital for non-emergency care. Aggrieved over the said order, the petitioner filed W.P.No.33079 of 2019 and the same was allowed by an order dated 29.11.2019. He then made a fresh representation dated 27.02.2020 for medical reimbursement of Rs.76,600/-. However, the 3rd respondent rejected his request by passing an impugned order dated 02.03.2020. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner submitted that, the petitioner has claimed medical bill a sum of Rs.76,600/-. However, the respondents have settled a sum of Rs.40,000/- only to the petitioner for his treatment at Sabhari Eye Care Hospital vide proceedings in Proc.Rc.No.8404/NHIS-3/2021 dated 16.11.2022 of



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the Commissioner of Treasuries and Accounts, Chennai. He further submitted that the respondents are yet to settle the remaining balance of Rs.36,600/- which was claimed by the petitioner.

4. The learned Government Advocate appearing for the respondents submitted that in the proceedings dated 16.11.2022, it is stated that the Sabhari Eye Care Hospital, Krishnagiri is a non-network hospital. He further submitted that as per G.O.(Rt).No.891, Finance (Health Insurance) Department dated 04.11.2022, the Director of Medical and Rural Health Services has recommended Rs.150/- as the eligible reimbursement amount as per Tamil Nadu Medical Attendance Rules for the treatment taken by petitioner for him. Hence, the package for similar treatment taken in a similarly placed network hospital has been obtained from Managing Director of the United India Health Insurance Company Limited amounting to Rs.40,000/- (for both eyes) by the Commissioner of Treasuries and Accounts. The Commissioner of Treasuries and Accounts has requested the Government to issue necessary orders to sanction a sum of Rs.40,000/- (for both eyes) to the writ petitioner. Hence, the learned Government Advocate submitted that the amount which was settled to the petitioner i.e a sum of Rs.40,000/- will be the extent incurred even the petitioner taken treatment in a net work hospital. Since



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the amount of Rs.40,000/- has already been settled, the petitioner is not eligible for the remaining amount of Rs.36,600/- as claimed by him.

5. In view of the above submissions made by the learned counsel on either side, this writ petition is closed. No costs.

06.12.2024

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Index : Yes/No

Speaking Order : Yes/No

J.SATHYA NARAYANA PRASAD,J.

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To:

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Health and Family Welfare Department,
Secretariat, Chennai – 600 009

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