



W.P.No.19879 of 20 --

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2024

CORAM

THE HON'BLE MR. JUSTICE **BATTU DEVANAND**

W.P.No.19879 of 2018

K.Savithri

... Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Secretary,
Finance (Pay Cell) Department,
Chennai 600 009.
2. United India Insurance Company Pvt. Ltd.,
No.24, Whites Road,
Royapettah,
Chennai 600 014.
3. Med India Health Care Service (TPA) Pvt. Ltd.,
No.27, Lakshmi Towers, 3rd Floor,
Dr. Radhakrishnan Salai,
Myalpore, Chennai 600 004.

... Respondents



WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order passed by the third respondent dated 19.09.2017 and quash the same thereby direct the respondents to pay Rs.1,62,129/- spent by the petitioner towards medical expenses with 18% interest and direct the respondents to pay Rs.5,00,000/- for unethical rejection of the claim.

For Petitioner : Mr.A.R.Nixon

For Respondents

for R1 : Mr.J.Ravindran, AAG
assisted by Mr.Azizullah Khan, G.A.
for R2 : Mr.T.Shanmugam
for R3 : No Appearance

ORDER

This Writ Petition has been filed against the rejection order passed by the third respondent dated 19.09.2017, wherein the claim for medical reimbursement of the petitioner has been rejected and for a consequential direction to the respondents to pay Rs.1,62,129/- with 18% interest and direct the respondents to pay Rs.5,00,000/- for unethical rejection of the claim.



WEB COPY

2. When the matter came up for hearing on 05.12.2024, this Court directed the respondents 1 and 2 to appear before this Court. In compliance of the said order, Mr.S.Nagarajan, I.A.S., Secretary to Government, Finance (Expenditure) Department and Mr.B.Ramesh, Assistant Manager, United India Insurance Co. Ltd. appeared before this Court.

3. The case of the petitioner is that she was admitted in the Fortis Malar Hospital on 14.08.2017 and underwent surgery on 15.08.2017. She was discharged on 18.08.2017 and for the said treatment she incurred an expense of Rs.1,62,129/-. The petitioner is a member of the Insurance Scheme introduced for the benefit of the Government employees and retired employees of the State Government. When the petitioner made a claim for the above said treatment, the same was rejected by the third respondent vide order dated 19.09.2017. Aggrieved by the same, the petitioner filed the present Writ Petition.



WEB COPY

4. The learned counsel for the petitioner contends that considering the fact that since the second respondent Insurance Company is also a member of the District Level Screening Committee, the petitioner submitted her claim to the second respondent and the second respondent ought to have forwarded the claim of the petitioner to the District Level Screening Committee. Instead of that, he forwarded the same to the third respondent. The third respondent, who is a third party agency appointed by the second respondent Insurance Company, has rejected the medical claim of the petitioner without any authority. The learned counsel for the petitioner would submit that the third respondent is no way concerned to decide the eligibility of the petitioner for the claim made by her for medical reimbursement.

5. The learned Additional Advocate General appearing for the first respondent would submit that the petitioner has to submit her medical claim proposal before the District Level Screening Committee. Instead of that, she submitted the claim to the second respondent and as such there is no role either to the the District Screening Committee or to the first respondent in



WEB COPY

the rejection order passed by the third respondent. If the petitioner submits her claim with all medical bills, the first respondent will take steps to process the same through the District Level Screening Committee.

6. Having considered the submissions of the respective counsels, it appears that the second respondent Insurance Company instead of forwarding the claim of the petitioner for medical reimbursement to the District Level Screening Committee, erroneously forwarded to the third respondent and thereafter the third respondent without any authority issued the impugned order dated 19.09.2017 rejecting the claim of the petitioner. In the considered opinion of this Court as the impugned order has been issued without any authority, it is unsustainable and untenable in the eye of law and therefore, it is liable to be set aside.

7. Accordingly, the Writ Petition is allowed with the following directions:

- i) The order impugned in this Writ Petition dated 19.09.2017 issued by the third respondent is hereby set aside.
- ii) The petitioner shall submit a claim application along with medical



W.P.No.19879 of 20--

bills within a period of one week to the convener, the District Level Screening Committee.

WEB COPY

iii) On receipt of the same, the claim of the petitioner shall be placed before the District Level Committee in the next meeting and settle the claim thereafter within a period of four weeks.

No costs.

12.12.2024

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

Note: Issue order copy today (12.12.2024)

pvs



W.P.No.19879 of 20--

To

1. The Secretary,
State of Tamil Nadu,
Finance (Pay Cell) Department,
Chennai 600 009.
2. United India Insurance Company Pvt. Ltd.,
No.24, Whites Road,
Royapettah,
Chennai 600 014.
3. Med India Health Care Service (TPA) Pvt. Ltd.,
No.27, Lakshmi Towers, 3rd Floor,
Dr. Radhakrishnan Salai,
Myalpore, Chennai 600 004.



WEB COPY



W.P.No.19879 of 20--

BATTU DEVANAND.J.,
pvs

W.P.No.19879 of 2018

12.12.2024