



W.P.No.7730 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.7730 of 2021

L.Malika Begum

... Petitioner

Vs.

- 1.The Director of Pension,
Integrated Finance Department Office Complex,
No.571, Anna Salai,
Veterinary Hospital Campus,
Nandanam, Chennai 600 035.
- 2.The Commissioner of Treasuries & Accounts,
3rd Floor, Integrated Finance Department
Office Complex,
No.571, Anna Salai, Veterinary Hospital Campus,
Nandanam, Chennai 600 035.
- 3.The Joint Director,
Medical and Rural Health Services Department,
No.258, DMS Complex,
3rd Floor, Anna Salai,
Teynampet, Chennai 600 018.
- 4.The District Collector,
62, Rajaji Salai,
Chennai 600 001.



W.P.No.7730 of 2021

5.MD India Health Care Services (TPA) Private Ltd.,
(Unit of United India Insurance Company Ltd.)
No.610/510, Guna Complex,
Teynampet, Chennai 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5, to pay a total sum of Rs.6,52,544/- along with 12% interest towards medical reimbursement.

For Petitioner : Mrs.S.Anuradha Balaji

For Respondents : Mr.K.H.Ravi Kumar, GA for R1 & R4
Mr.E.Sundaram, GA for R2 & R3
Mr.P.Sankaranarayanan for R5

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to pay a total sum of Rs.6,52,544/- along with 12% interest towards medical reimbursement.

2. Heard Mrs.S.Anuradha Balaji, learned counsel for the petitioner, Mr.K.H.Ravi Kumar, learned Government Advocate for R1 & R4, Mr.E.Sundaram, learned Government Advocate for R2 & R3 and Mr.P.Sankaranarayanan, learned counsel for R5.



W.P.No.7730 of 2021

3. The petitioner who has taken treatment for the injury sustained by her due to a fall had applied for medical reimbursement to the tune of Rs.1,60,000/-. Despite the fact that she is a subscriber to the Health Insurance scheme for pensioners, the petitioner's claim for medical reimbursement was rejected for the reason that she had taken the treatment in a non-network hospital.

4. The learned Government Advocate for the second respondent submitted that if the treatment has been taken in a non-network hospital, the Insurance Company cannot be asked to cover the expenses. It is also brought to the attention of this Court that in a judgment of the learned Division Bench of Madurai Bench in the case of ***Star Health and Allied Insurance Company Limited Vs. A Chokkar***, it is held that if the individuals have undergone approved or unapproved treatment in non-network hospitals or unapproved medical procedures and surgeries in network hospitals or non-network hospitals though not entitled for reimbursement under the New Health Insurance Scheme, they are entitled for reimbursement of medical expenses under the Tamil Nadu Medical



W.P.No.7730 of 2021

Attendance Rules to the extent permissible under the rules and subject to the fulfillment of the conditions prescribed therein.

5. In such case, the respondents could have converted the claim of the petitioner to a claim under Tamil Nadu Medical Attendance Rules and considered the same for reimbursement to whatever extent permissible under the Rules.

6. In the result, this Writ Petition is disposed and the respondents 1 to 4 are directed to consider the claim of the petitioner for medical reimbursement in accordance with the Tamil Nadu Medical Attendance Rules and pass orders for sanctioning reimbursement to the extent possible under the Rules and pass orders for reimbursement within a period of four weeks from the date of receipt of a copy of this order. No costs.

08.03.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



W.P.No.7730 of 2021

To
WEB COPY

- 1.The Director of Pension,
Integrated Finance Department Office Complex,
No.571, Anna Salai,
Veterinary Hospital Campus,
Nandanam, Chennai 600 035.
- 2.The Commissioner of Treasuries & Accounts,
3rd Floor, Integrated Finance Department
Office Complex,
No.571, Anna Salai, Veterinary Hospital Campus,
Nandanam, Chennai 600 035.
- 3.The Joint Director,
Medical and Rural Health Services Department,
No.258, DMS Complex,
3rd Floor, Anna Salai,
Teynampet, Chennai 600 018.
- 4.The District Collector,
62, Rajaji Salai,
Chennai 600 001.
- 5.MD India Health Care Services (TPA) Private Ltd.,
(Unit of United India Insurance Company Ltd.)
No.610/510, Guna Complex,
Teynampet, Chennai 600 018.



WEB COPY



W.P.No.7730 of 2021

R.N.MANJULA, J.

gsk

W.P.No.7730 of 2021

08.03.2024