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W.P.No.26815 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26815 of 2021

P.Mohan

... Petitioner

/vs/

1. The Commissioner Treasuries and Accounts,
O/o. Directorate of Treasuries and Accounts,
3rd Floor, Veterinary Hospital campus,
Anna Salai, Nandanam,
Chennai – 600 035.
2. The District Collector,
Tiruvarur District,
Thiruvarur – 610 004.
3. The Treasury Officer,
Thiruvarur District Treasury Office,
Thiruvarur – 610 004.
4. The Joint Director of Medial and Rural Health Services,
Nettivelai kara Street,
Suriyan Kulam, Thenkarai,
Thiruvarur – 610 001.
5. Divisional Manager,
United India Insurance Company Limited,
Divisional Office, V Floor, PLA Rathina Tower,
212, Anna Salai, Chennai – 600 006.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to reimburse the Medical expenses claimed by the petitioner namely Rs.1,37,708/- under the Government of Tamil Nadu New Health Insurance Scheme – 2016 based on his representation dated 05.06.2021 made by the petitioner.

For Petitioners ... Mr.K.Thilageswaran

For Respondents ... Mr.T.Chezhiyan
Additional Govt. Pleader for R1 to R4

Mr.P.Sankaranarayanan for R5

ORDER

The petitioner who had taken treatment in an empanelled hospital for mild Covid infection has filed this writ petition stating that his claim was not considered properly.

2. Mr.K.Thilageswaran, the learned counsel for the petitioner, submitted that the despite the petitioner had taken treatment in an empanelled hospital by spending a sum of Rs.1,37,708/- towards his medical expenses, he was given with only Rs.40,000/- by the fifth respondent; so far as the reimbursement of medical expenses for Covid positive cases are concerned, the Government has issued a Government



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Order in G.O.Ms.No.280 dated 24.06.2020; after discussing various aspects, the Government sanctioned Rs.5 Crore under New India Health Insurance Scheme for employees as corpus fund for Covid-19 treatment in empanelled hospital for non-critical care.

3. It is not in dispute that the petitioner falls under the non-critical category and that he had also taken treatment in a accredited hospital. So far as the payment of non-empanelled hospital is concerned, the procedure is governed as under:

“ 4. (iii) Payments to empanelled Hospitals:

(a) *For critical care, United India Insurance Company Limited shall make to payments empanelled hospitals as per the recommended rates in para 4 (i) above from the New Health Insurance Scheme account.*

(b) *For non-critical care, the Government has authorised the United India Insurance Company Limited to form two separate Corpus Funds i.e. (1). Corpus Fund for COVID-19 treatment in empanelled hospitals under New Health Insurance Scheme for Employees Rs.5 crore and (2). Corpus Fund for COVID-19 treatment in empanelled hospitals under New Health Insurance Scheme for Pensioners/ Family Pensioners Rs.2.5 crore. The United India Insurance Company Limited shall make payments for COVID-19 treatment as per the above recommended rates*



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in para 4 (ii) to the empanelled hospitals. Accordingly, the Government hereby sanction a sum of Rs.5 crore (Rupees Five Crore only) for New Health Insurance Scheme for Employees and Rs.2.5 crore (Rupees Two Crore and fifty lakh only) for New Health Insurance Scheme for Pensioners initially towards contribution to the two Corpus Funds. The Corpus Funds will be recouped from the Government as and when required.

...

vi). Government Employees/Pensioners who have already taken treatment for Non-critical COVID care in empanelled Hospitals from 1.3.2020 to till date are directed to submit their claims for reimbursements by appealing to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall recommend to the United India Insurance Company Limited to reimburse the payment from the Corpus fund provided by the Government.”

4. By stating the above Regulations, Mr.P.Sankaranarayanan, the learned Standing Counsel for the fifth respondent, submitted that the payment was only in accordance with the recommendation they received from the Commissioner of Treasuries and Accounts.



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5. Despite the first respondent being a party to the proceedings, it is not stated in the counter on what basis only Rs.40,000/- was recommended when the petitioner actually spent Rs.1,37,708/- and it is not known how the ceiling limit is fixed for critical Covid care. It appears that no ceiling limit has been been fixed for non-critical covid care in the above Government Order.

6. Hence, the first respondent is directed to reconsider the recommendations in the light of the above observation and also taking into account of various medical documents furnished by the petitioner and make due recommendation for the medical reimbursement claim made by the petitioner. Orders in this regard is directed to be passed by the first respondent within a period of four weeks from the date of receipt of a copy of this order. However, it is obligatory on the part of the petitioner to submit all those necessary documents called for by the first respondent in this regard and the fifth respondent is directed to settle the claim of reimbursement within a period of four weeks from the date of receipt of recommendation from the first respondent.



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7. With the above directions, this writ petition is disposed. No costs.

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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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