



W.P. No. 30901 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKARAVARTHY

W.P. No. 30901 of 2022

A.Muthusamy

... Petitioner

-VS-

1. The Government of Tamil Nadu
Rep. By its Secretary to Government
Finance (Pension) Department
Fort St., George, Chennai – 600009.
2. The Director of Medical and Rural Health Services
Greens Road, Chennai – 600006.
3. The Treasury Officer
Villupuram District
Villupuram.
4. The Sub-Treasury Officer
Office of the Sub-Treasury Office
Kallkurichi, Kallakurichi District.

Now at

The District Treasury Officer
Office of the District Treasury Office
Kallakurichi, Kallakurichi District.

5. MD India Health Insurance (TPA) Pvt. Limited
New No. 443 & 445, Guna Complex
AGM Operations, Annasalai
Teynampet, Chennai – 600018.



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6. United India Insurance Company
Rep. By the Divisional Manager
Divisional Office VI
No. 212, Anna Salai
Chennai – 600006. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order of the third respondent by his proceedings No. Re:No.5298/2018/D2-7 dated 16.07.2018 and consequential order of the fifth respondent vide his proceedings REF:GTM224/07/2021 dated 29.07.2021 and quash these same and consequently direct the respondents to accept the medical claim representation dated 14.07.2021 of the petitioner and reimburse the expenses of Rs.9,71,023/- with interest at the rate of 24% per annum till the disbursement of the payment within a stipulated period.

For Petitioner : M/s. Selvirajesh

For Respondents : Mr. Azizuien Khan, GA (RR1, 3 & 4)
Mr. Stalin Abimanyu, AGP (R2)
Mr. P.Sankaranayaranan (R6)
R5 – No appearance

ORDER

The petitioner was working as a Bill Collector in the Kallakurichi municipality and retired from service as on 30.06.2006. In November 2016, he became ill and in the year 2017, he was diagnosed of cancer and taken protracted treatment. The petitioner had totally incurred a sum of Rs.9,71,023/- towards the medical expenses. However, upon claim, the same is repudiated



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that he underwent treatment in an non-networking hospital. Aggrieved by the same, the petitioner is before this Court.

2. The learned counsel appearing for the petitioner would submit that a Division Bench of this Court in ***C.Mani -vs- Principal Secretary to Government of Tamil Nadu*** (Order dated 05.12.2023 in W.P. (MD) No. 25304 of 2018) after considering all the earlier judgments have held that the matter is no longer *res integra* and the respondents has to pay the amount in respect of the non-networking hospital also. Accordingly, she prays that the writ petition be allowed.

3. The learned counsel appearing on behalf of the first, third and fourth respondents would submit that once the petitioner underwent treatment in a non-networking hospital, she has to make an application and the same would be placed before the committee and the amount would be disbursed.

4. The learned counsel appearing on behalf of the insurance company would submit that originally the matter was considered in detail in ***Star Health and Allied Insurance Company -vs- A.Chokkar*** [(2010) 2 LW 90] and thereafter, the Division Bench of this Court in the case in ***K.Rajendran -vs- Government of***



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Tamil Nadu (Order dated 04.02.2019 in W.A. No. 2749 of 2018) held that in respect of non-networking hospital, it is the liability of the Government to pay that amount and not that of the insurance company.

5. I have considered the rival submissions made on behalf of either side and perused the materials placed on record.

6. A perusal of the counter-affidavit, in paragraph No.15 the following averments are made:-

“15. In view of the above decision, in A.Chokkar's case if the petitioner submit necessary application for reimbursement of medical expenses as per the provisions contained in the Tamil Nadu Medical Attendance Rules, then the same will be considered by the competent authority and the eligible amount under the said rules will be sanctioned to him as per the provisions of the said Rules.”

In view of the submissions made, the petitioner shall make an application as per the prescribed format under the Tamil Nadu Medical Attendance Rules before the third respondent, upon which the third respondent shall duly forward the same to the appropriate authority for consideration.



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7. The petitioner shall furnish the requisite bills also along with the application and the respondents shall not in any manner return or protract the matter further. The claim shall be processed by the respondents within a period of four (4) weeks from the date of receipt of a copy of this order and release the amounts due to the petitioner.

8. With the above directions, the writ petition is allowed. No costs.

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Index: Yes/No

NCS: Yes/No

Speaking order /Non-speaking order

Maya

To

1. The Secretary to Government of Tamil Nadu
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2. The Director of Medical and Rural Health Services
Greaves Road, Chennai – 600006.
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D.BHARATHA CHAKARAVARTHY, J.

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