



W.P.No.28727 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.02.2024

Coram:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Writ Petition No.28727 of 2018

R.Sivakumar

.. Petitioner

/versus/

1.Tamil Nadu State Transport Corporation,
(Villupuram)Ltd., Kancheepuram Region,
Represented by its Managing Director,
Chennai Bangalore National Highway,
Karaipettai, Near Ponnerikari,
Kancheepuram-631 552.

2.The Director and Treasuries and Accounts,
Panagal Building,
Saidapet, Chennai 600 015.

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India
praying to issue a Writ of Mandamus directing the respondents to sanction the
Medical Expenses a sum of Rs.2,84,716/-(Rupees Two Laksh Eighty Four
Thousand Seven Hundred and Sixteen only) in favour of the petitioner.



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For Petitioner : Mr.P.Chandrasekar
For Respondents : Mr.T.Chandrasekaran
Standing counsel for R1
Mr.L.S.M.Hasan Fizal
AGP for R2
Mr.K.Poomalai
Panel Counsel for R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned learned Standing Counsel appearing for the 1st respondent; the learned Government Additional Pleader appearing for the 2nd respondent; and the learned Panel Counsel appearing for the 3rd respondent and also perused the materials available on record.

2. The case of the petitioner is that the petitioner has been working as a Conductor in the 1st respondent-Transport Corporation. On 13.02.2016, while he was proceeding from his home to Thiruvallur Depot for reporting the duty, at about 04.15 a.m., at Vadamadurai, a lorry came from the opposite side and hit the petitioner and the petitioner sustained grievous injuries of fracture on his left hand and right leg. He took treatment in Soundarapandian Bone and Joint Hospital at Anna Nagar, Chennai for the period from 13.02.2016 to 18.02.2016. The petitioner applied for medial leave for the period from the date of the



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accident to the end of August, 2016. The respondents paid salary to the petitioner till the end of July, 2016 and thereafter, they not paid his salary in his salary account. Hence, he made several representations to the 2nd and 3rd respondents. But, there is no response from their side. Due to the accident, the petitioner spent a sum of Rs.2,84,716/-. Though he submitted medical bills to the respondents, there is no reply.

3. The learned counsel appearing for the petitioner submits that the petitioner is a Member of New Health Insurance Scheme introduced by the State Government along with the United India Insurance Company, who is deducted monthly premium of Rs.150/ and now, it is revised to Rs.180/-. As there is no response from the respondents to reimburse the medical expenses incurred by the petitioner and there is no other alternative remedy, he approached this Court by filing this Writ Petition.

4. During the course of hearing, on behalf of the 1st and 2nd respondents, counter-affidavits have been filed. In the counter-affidavit filed by the 2nd respondent, it is averred that United India Insurance Company (i.e.) the third respondent, with whom the Government has already been entered into a contract for making payment in the event of medical expenditure incurred by the



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employee/pensioner, who is subscriber of the scheme has not impleaded as a respondent in this writ petition. But, in the present case, already, the petitioner impleaded United India Insurance Company as the third respondent. As such, it appears that the second respondent, without applying his mind properly, filed this counter affidavit.

5. During the course of hearing, today the learned Government Pleader appearing for the 2nd respondent has produced a copy of G.O.(D)No.18, Finance (Health Insurance) Department, dated 16.02.2024 and he submits that, on careful consideration, the Government decided to accept the proposal of Commissioner of Treasuries and Accounts and as per the recommendation of District Level Empowered Committee, to reimburse the eligible medical expenses incurred by the petitioner for his medial treatment to an extent of Rs.1,38,000/- as per the package rate received from United India Insurance Company Limited and the said amount is sanctioned to the petitioner. The learned counsel appearing for the petitioner also accepted that an amount of Rs.1,38,000/- is received by the petitioner on 20th February, 2024.



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6. Admittedly, in the present case, the petitioner claimed an amount of Rs.2,84,716/- towards medical expenditure incurred by him for taking medical treatment. But, in G.O.(D)No.18, Finance (Health Insurance) Department, dated 16.02.2024, the Government sanctioned only Rs.1,38,000/- stating that it is the eligible medical expenses. If the petitioner has any grievance with regard to the remaining amount, it is open to the petitioner to take appropriate proceedings against the respondents for not considering the total claim.

7. On careful consideration of the facts and circumstances of the case, it is an admitted fact that the claim of the petitioner to reimburse the medical expenditure incurred by him in the year 2016 has not been considered till in the 2024 by the respondents.

8. The learned Panel Counsel appearing for the 3rd respondent contends that the Government sanctioned an amount of Rs.1,38,000/- by way of G.O.(D) No.18, Finance (Health Insurance) Department, dated 16.02.2024 and immediately after receiving the said order, the 3rd respondent settled the claim and paid the amount sanctioned by the State Government to the petitioner. As such, the learned Panel Counsel appearing for the 3rd respondent contends that the 3rd respondent-Insurance Company is noway responsible for the delay in



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settling the claim of the petitioner.

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9. Admittedly, the 1st respondent is the formal party to this Writ Petition. As rightly contended by the learned counsel appearing for the petitioner that the claim of the petitioner for medical reimbursement is pending with the State Government Officials from the year 2016 for which he suffered irreparable loss and hardship and the Court has to pass appropriate order to compensate the petitioner.

10. It is an undisputed fact that the claim made by the petitioner for reimbursement in the year 2016 is considered by the State Government only in the year 2024. There is no dispute with the facts. Who is responsible for the delay? Whether the concerned District Collector (or) the District Level Empowered Committee (or) the State Government. Whoever they may be, the petitioner is entitled to the reasonable interest for the belated settlement of his claim from them.

11. For the reason stated above, this Writ Petition is disposed of with the



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following directions:-

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(1)The 2nd respondent shall pay interest at the rate of 9% p.a., after expiry of one month, from the date of submission of the claim to the competent authority, to till the actual payment made on 20th February, 2024.

(2)The interest amount shall be paid to the petitioner, within a period of four weeks, from the date of receipt of a copy of this order.

(3)It is made it clear that if the petitioner has any grievance with regard to the non-settlement of the entire claim, he is at liberty to ventilate the remedy available under law.

12. There shall be no order as to costs.

28.02.2024

Index:yes/no
Speaking order/non speaking order
Neutral Citation:yes/no
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To:



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BATTU DEVANAND,J.



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