



WP.(MD).No.3276 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3276 of 2022

B.Meena

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Joint Director of Welfare Department,
Tirunelveli District,
Office at Tenkasi.
- 3.The Senior Divisional Manager,
Star Health & Allied Insurance,
Divisional Office 2nd Floor,
New Tank Street,
Nungambakkam,
Chennai – 600 006.
(R3 is deleted vide Court order
dated 24.08.2022 by MSRJ)
- 4.The Senior Divisional Manager,
United India Insurance,
Divisional Officer VI,
5th Floor, PLA Rathna Tower,
212, Anna Salai,
Chennai 600 006.



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(R4 is impleaded vide Court order
dated 24.08.2022 in W.M.P.(MD)No.5831 of 2022
in W.P.(MD)No.3276 of 2022 by MSRJ) ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent in Na.Ka.No.7210/k5/2021 dated 10.12.2021 and to quash the same and consequently direct the respondents to reimburse the medical expenses incurred by the petitioner for a sum of Rs.4,05,868/- along with interest at the rate of 12% per annum.

For Petitioner : Mr.S.Packiya Muthu
For Respondents 1 & 2 : Mr.M.Siddharthan
Additional Government Pleader
For 4th Respondent : Mr.I.Robert Chandrakumar

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order of the second respondent in Na.Ka.No.7210/k5/2021 dated 10.12.2021 and to quash the same and consequently to direct the respondents to reimburse the medical expenses incurred by the petitioner for a sum of Rs.4,05,868/- along with interest at the rate of 12% per annum.



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2.The petitioner is the subscriber of New Health Insurance Scheme, 2016. Her husband suffered a heart attack on 02.11.2020 and was admitted in Kovai Medical Center Hospital, at Coimbatore for conducting bypass surgery from 05.12.2020 to 11.12.2020 and thereby, incurring a medical expenditure of Rs.2,50,000/-. After discharge, he further developed medical complications and as a result of which, he was once again admitted in Kovai Medical Center Hospital, at Coimbatore on 11.12.2020 for undergoing grafting process through plastic surgery. Thereafter, surgery was performed on 13.01.2021 and 20.01.2021, incurring a medical expenditure to a tune of Rs.4,05,868/-. Though the petitioner had already paid the same from her own funds, thereafter the petitioner being a subscribed member of New Health Insurance Scheme, 2016, made an application through the Headmaster of the School wherein she is working I.e., Thirthapathi Higher Secondary School, Ambasamudram, seeking reimbursement incurred by her for her husband's medical treatment and the same was forwarded to the second respondent by letter dated 10.04.2021 along with necessary bills. However, no action was taken by the second respondent. Hence, the petitioner gave a representation on 16.06.2021 to consider the same. Acting upon the same, the impugned order



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came to be passed by the fourth respondent on 10.12.2021, rejecting the medical claim of the petitioner for the reason that the nature of medical treatment undergone by the petitioner's husband is a case of non emergency. Challenging the same, this Writ Petition came to be filed.

3.Heard Mr.S.Packiya Muthu, learned counsel appearing for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 and 2, Mr.I.Robert Chandrakumar, learned counsel appearing for the fourth respondent and perused the entire materials available on record.

4.The issue in the Writ Petition is no *res integra*. This Court has already dealt with the similar case in ***W.P.(MD)No.19 of 2024*** in the case of ***S.Thangampillai v. The District Collector and others*** and the relevant portion of which, is extracted as follows:-

“4. The reason for the rejection is that the medical condition is not one covered under the scheme and the line of management was also not an emergency. However, the matter in hand is no more res~integra. This Court in W.P(MD)No22716 of 2023 (K.Muthusamy Vs. The Principal Secretary to Government & Others), dated 19.09.2023 has dealt with a similar manner and



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has passed favourable orders to the petitioner therein.

The relevant portion of which is extracted as follows:

“5. The learned Standing Counsel for the sixth respondent drew my attention to the impugned order, wherein it has been stated that the petitioner cannot be covered under the New Health Insurance Scheme, since the treatment was taken in non~network hospital under non emergency condition. However, the petitioner-s case is recommended by the Committee under the Tamil Nadu Medical Attendance Rules as per the guidelines issued by the Government under Rule 14 Sub Clause 4 of the guidelines for implementation of new Health Insurance Scheme, 2022 for pensioners including spouse, family pensioner. In terms of the said guidelines, Rule 14, Sub Clause 4 and in terms of the mandates of G.O(Ms)No.401 of the Health and Family Welfare (Z1) Department, dated 09.09.2021, the cases in which the claimants have taken treatment in non~network hospital under non emergency condition would be covered under the Tamil Nadu Medical Attendance Rules.”

5.Fully fortified by the order passed by this Court in that case and considering the fact that the line of management of medical treatment undergone by the petitioner's husband has been categorized as non emergency condition, the way out for the petitioner is to make fresh representation to the respondents 1 and



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2 and on receipt of the same, the respondents 1 and 2 are directed to consider the case of the petitioner under Tamil Nadu Medical Attendance Rules and as per guidelines issued by the Government within a period of eight weeks from the date of receipt of copy of this order.

6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

02.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Joint Director of Welfare Department,
Tirunelveli District,
Office at Tenkasi.



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L.VICTORIA GOWRI, J.

Mrn

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