



W.P.(MD).No.6581 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.6581 of 2024

and

W.M.P.(MD)No.6142 of 2024

1.Paramasivam

2.P.Vellathai

...Petitioners

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.United India Insurance Company Limited,
Divisional Office-VI,
5th Floor, P.L.A.Rathana Towers,
No.212, Anna Salai,
Near Thousand Lights Metro Statue,
Anna Salai,
Chennai – 600 006.

3.The Commissioner of Treasurer and Accounts,
2nd Floor, Palangal Building,
Jeenish Road,
Saidapet, Chennai – 15.



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4.The District Treasury Officer,
District Treasury Office,
Theni District,
Theni.

5.The Director of Medical Educations,
Special Office,
Government Theni Medical College Hospital,
Theni.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent vide his proceedings No.Ref.No. 010600/CRS/004/11/2023, dated 06.08.2023 and quash the same and consequently directing the second respondent to reimburse the medical expenses of Rs.92,903/- incurred by the petitioner for taking treatment at Meenakshi Mission Hospital, Madurai with interest at the rate of 9% from 21.02.2022 i.e., claim made by the petitioner till the date of reimbursement made to the petitioner within a stipulated period as that may be fixed by this Court.

For Petitioner : Mr.I.Sri Ranganathan

For R-1, R-3 : Mr.M.Lingadurai
R-4 and R-5 Special Government Pleader

For R-2 : Mr.A.Shajahan



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ORDER

Heard Mr.I.Sri Ranganathan, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1, 3, 4 and 5 and Mr.A.Shajahan, for the second respondent.

2. The petitioner who are aggrieved due to the rejection of the medical reimbursement have filed these Writ Petition challenging the order of the second respondent dated 06.08.2023 and consequently directing the second respondent to reimburse the medical expenses of Rs.92,903/- with interest at the rate of 9% from 21.02.2022.

3. On perusal of the impugned order dated 06.08.2023, it is seen that the treatment taken by the petitioner's wife, the second petitioner herein is not an emergency and the petitioner's claim cannot be considered as per the Government Order in G.O.(Ms).No.204, Finance [Pension] Department dated 30.06.2022.



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4. The petitioner's claim is that the petitioner who is a beneficiary under the New Health Insurance Scheme has taken treatment for his wife for the period between 08.07.2022 and 13.07.2022 and incurred medical expenses for a sum of Rs.92,903/-. In this regard, the petitioner made a representation dated 16.12.2022 seeking for medical reimbursement and the same was rejected by the second respondent vide order dated 06.08.2023 stating that the treatment taken by the petitioner's wife, the second petitioner herein is not an emergency one and hence the petitioner's claim cannot be considered as per the Government Order in G.O.(Ms).No.204, Finance [Pension] Department dated 30.06.2022.

5. Despite clause 8[d] of the Government Order in G.O.Ms.No.204 Finance [Health Insurance] Department dated 30.06.2022 permits the medical treatment taken by the pensioners and their eligible dependants in a non-networking hospital under non emergency situation shall also be covered under the scheme, the respondents have rejected the claim of the petitioner. For the sake of clarity, clause 8[d] of G.O.Ms.No.204 Finance [Health Insurance] Department dated 30.06.2022 is extracted here under:



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WEB COPY G.O.Ms.No.204 Finance [Health Insurance] Department dated

30.06.2022

(8)

[d]. The medical treatment taken by the pensioners (including spouse) / Family Pensioners in Non-Network hospital under Non-Emergency situation shall also be covered on reimbursement basis. However, since the quality of treatment and facilities provided in a Non-Network hospital is not known and if the Pensioners is consciously choosing to avail treatment in such hospital, the quantum of reimbursement in such cases shall be restricted to 75% of the package rate of similar procedure in a similar Network hospital.

6. In view of the above, the impugned proceedings in No.Ref.No. 010600/CRS/004/11/2023, dated 06.08.2023 is set aside and the second respondent is directed to consider the claim of the petitioner strictly in accordance with G.O.Ms.No.204 Finance [Health Insurance] Department dated 30.06.2022 and release the eligible amount in accordance with the above Government Order within a period of two weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Secretary,
The Government of Tamil Nadu,
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R.N.MANJULA, J.

Nsr

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