



W.P.(MD).No.5856 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.(MD).No.5856 of 2023
and WMP(MD) No.20737 of 2023

V.Selvaraj

... Petitioner

Vs

1. The Special Secretary to Government,
(Finance and Pension Department),
Secretariat, Fort. St. George, Chennai.
2. The Commissioner of Treasuries and Accounts,
Integrated Office Complex For Finance Dept.,
3rd Floor, Veterinary Hospital Campus, Anna Salai,
Chennai.
3. The United India Insurance Co. Ltd.,
Rep. by its Divisional Manager,
Divisional Office VI, 5th Floor,
P.L.A.Rathana Towers, No.212,
Anna Salai, Chennai - 6.
4. The District Level Committee,
Rep. by District Collector, Nagercoil,
Kanyakumari District.
5. The District Treasury Officer,
The District Treasury Office, Nagercoil,



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Kanyakumari District.

6. The Sub Treasurer,
The Sub Treasury Office, Vilavancode,
Kanyakumari District.

7. The Joint Director of Medical and Rural Health Services,
Nagercoil, Kanyakumari District.

... 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 on the file of 1st respondent pertaining to its order bearing G.O.(Rt). No. 831 Finance (Health Insurance) Department, dated 18.10.2022 and to quash the same and consequently direct the respondents to disburse Rs.2,03,222/- spent by the petitioner for the treatment underwent by him within a stipulated time fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.J.Ashok (R1,R2,R4&R5)
Additional Government Pleader

Mr.S.Shajahan (R3)
Standing Counsel

ORDER

Heard Mr.S.C.Herold Singh, learned Counsel for the petitioner,
Mr.J.Ashok, learned Additional Government Pleader, for the respondents 1, 2,
4 & 5 and Mr.S.Shajahan, learned Standing Counsel for the 3rd respondent.



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2.The petitioner, who is a Pensioner claims to be the beneficiary under New Health Insurance Scheme 2018, has filed this writ petition challenging the impugned order bearing G.O.(Rt). No.831, Finance (Health Insurance) Department, dated 18.10.2022 passed by the first respondent and consequently to direct the respondents to disburse a sum of Rs.2,03,222/- spent by the petitioner for the treatment underwent by him.

3.The petitioner had made the entire claim of medical expenditure to the tune of Rs.2,45,352/- for the treatment taken by the him between 06.11.2020 and 13.11.2020 and between 27.11.2022 and 07.12.2022. The petitioner claims that despite he has taken emergency treatment in a non-network hospital, medical claim was not fully allowed.

4.Though the New Health Insurance Scheme 2018 permits the beneficiary to reimburse the expenses incurred towards the emergency medical treatment taken in a non-network hospital, the petitioner's reimbursement was not allowed in toto and a portion of his claim was disallowed. It is seen that an order has been passed after getting the report from the District Level



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Empowered Committee, the petitioner has got liberty to file an appeal before the State Level Empowered Committee for getting necessary orders.

5.In view of the same, this Writ Petition is allowed and the impugned order in G.O.(Rt). No.831 Finance (Health Insurance) Department, dated 18.10.2022 is hereby set aside. The petitioner is at liberty to file an appeal before the State Level Empowered Committee in respect of the portion of the amount, which remains to be not reimbursed and work out his remedy. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

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R.N.MANJULA, J.

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