



W.P(MD)No.7927 of 2021

WEB COL BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2024

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THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.7927 of 2021

and

W.M.P.(MD)No.6048 of 2021

M.S.Rajendran

... Petitioner

Vs.

1.The Principal Secretary/Commissioner of Treasuries and Accounts,
Amma Complex, 3rd Floor,
No.571, Nandanam, Annasalai,
Chennai 600 035.

2.The Divisional Manager,
United India Insurance Company,
Divisional Office VI,
5th Floor, PLA Rathna Tower,
212, Anna Salai, Chennai 600 006.

3.The District Collector,
Theni District.

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

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the third respondent dated 05.01.2021 in so far as the petitioner named in Sl.No.52 is concerned and the consequential impugned order of the 2nd respondent in proceedings O.Mu.No.1831/Pu.Ma.Ka.Thi-1/2021 dated 04.03.2021, quash the same and consequently direct the respondents herein to reimburse the medical claim of Rs.1,83,658/- together with interest at the rate of 7.5% p.a., thereon to the petitioner covered by the medical records and medical bills within a reasonable time.

For Petitioner : Mr.K.Appadurai
For Respondents 1, 3 and 4 : Mr.C.Sathesh
Government Advocate
For 2nd Respondent : Mr.A.Shajahan

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the third respondent dated 05.01.2021 in so far as the petitioner named in Sl.No. 52 is concerned and the consequential impugned order of the 2nd respondent in proceedings in O.Mu.No.1831/Pu.Ma.Ka.Thi-1/2021 dated 04.03.2021 and to direct the respondents herein to reimburse the medical claim of Rs.1,83,658/- together with interest at the rate of 7.5% p.a.



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Thereon to the petitioner covered by the medical records and medical bills.

2.The petitioner retired as a Assistant Elementary Educational Officer, Dindigul in the year 2007 and he is a subscriber of the Medical Health Insurance Scheme of the Government. During 2020, he was affected with Covid-19 and was admitted in the hospital, by which he incurred a medical expenditure of Rs.1,83,658/-. Following which, he submitted a medical claim to the first respondent through the fourth respondent on 12.10.2020. The first respondent vide proceeding dated 04.03.2021 rejected the medical claim on the ground that the petitioner had been admitted in a non critical condition in a non Non network hospital. Challenging the same, this Writ Petition came to be filed.

3.Per contra the first respondent had filed a counter and the learned Special Government Pleader submitted that since the petitioner had taken treatment in a non network hospital in non critical condition, the petitioner's case cannot be considered for reimbursement of medical claim.



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4.However, the learned counsel for the second respondent drew my attention to G.O.Ms.No.165, Finance Health Insurance Department, dated 01.06.2020 and submitted that there is change in position in dealing with application seeking reimbursement of medical claim. Even the claim made by the applicants who have taken treatment in non network hospital under non critical condition could be considered for reimbursement of eligible amount.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1, 3 and 4, the learned counsel appearing for the second respondent and carefully perused the entire materials available on record.

6.In view of the same, this Court hereby quash the impugned order dated 04.03.2021 and remand back the same to the first respondent. The first respondent is hereby directed to forward the same along with all the original medical bills to the second respondent within a period of 4 weeks from the date receipt of copy of this order. On receipt of the same,



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the second respondent is directed to settle the eligible amount to the petitioner within a period of 12 weeks thereafter.

7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Mrn

To

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2. The Divisional Manager,
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L.VICTORIA GOWRI, J.

Mrn

Order made in
W.P(MD)No.7927 of 2021

17.04.2024