



W.P.(MD)No.7438 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.7438 of 2024

S.Thompson

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Finance Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Treasuries and Accounts,
Integrated Office Buildings for the Finance Department,
Amma Complex, No.571, Anna Salai,
Nandanam, Chennai - 600 035.

3.Director of Medical and Rural Health Service,
DMS Complex, Thenampet, Chennai - 600 006.

4.District Huzur Treasury Officer,
District Treasury, Collectorate Campus,
Nagercoil - 629 001.

5.United India Insurance Company,
5th Floor, PLA Ratna Tower,
Raja Buildings, 212 Annasalai,
Chennai - 600 006.

... Respondents



W.P.(MD)No.7438 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to settle the medical reimbursement claim of Rs.5,48,202/- along with interest claimed by the petitioner under Government of Tamilnadu New Health Insurance Scheme for pensioners (including spouse), family pensioners within a period that may be stipulated by this Court.

For Petitioner : Mr.V.H.S.Prathap

For Respondents : Mr.J.Ashok,
Additional Government Pleader
for R1 to R4
Mr.S.Shajahan,
Standing Counsel for R5

ORDER

Heard Mr.V.H.S.Prathap, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1 to 4 and Mr.S.Shajahan, learned Standing Counsel appearing for the fifth respondent.

2. The petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the respondents to settle the medical reimbursement claim of Rs.5,48,202/- along with interest claimed by the



W.P.(MD)No.7438 of 2024

petitioner under the New Health Insurance Scheme.

3. The petitioner is a retired Co-operative Sub Registrar and is a beneficiary under New Health Insurance Scheme for employees and pensioners formulated by the first respondent and in accordance with G.O.Ms.No.222 Finance (Pension) Department dated 30.06.2018. The petitioner's wife R.Sornammal was admitted in KIMS Health Hospital at Trivandrum on two occasions and the petitioner has spent Rs.5,48,202/- in toto towards her medical treatment. On 21.12.2020, the petitioner has submitted an application before the fourth respondent for medical reimbursement and the same has also been forwarded to the fifth respondent. However, neither the Government nor the Insurance Company has settled the claim of the petitioner. Hence, the petitioner has filed this writ petition.

4. On perusal of the order dated 15.06.2023, it is seen that the State Level Empowered Committee had recommended the reimbursement to be worked out under two criteria. The period of emergency treatment



W.P.(MD)No.7438 of 2024

between 14.12.2020 and 16.12.2020 in Non-network hospital was considered to be covered under the Scheme and the same was recommended to the fifth respondent Insurance Company for reimbursing the eligible amount to the petitioner. The period of non-emergency treatment between 05.11.2020 and 21.11.2020 in Non-network hospital was considered to be not covered under the Scheme and hence, the claim of the petitioner for that period was recommended to be reimbursed through the Tamilnadu Medical Attendance Rules as per the guidelines issued by the Government.

5. Despite a clear order has been passed on 15.06.2023, neither the fourth respondent nor the fifth respondent had acted upon or challenged that order. In view of the same, this Court is inclined to grant the prayer sought for by the petitioner.

6. Therefore, the writ petition is **allowed** and a direction is issued to the fourth and fifth respondents to settle the medical reimbursement claim of the petitioner the as per the recommendation



W.P.(MD)No.7438 of 2024

made by the State Level Empowered Committee on 15.06.2023 within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

15.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Additional Chief Secretary,
Finance Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Treasuries and Accounts,
Integrated Office Buildings for the Finance Department,
Amma Complex, No.571, Anna Salai,
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W.P.(MD)No.7438 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.7438 of 2024

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