



W.P.(MD)No10540 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.10540 of 2024

and

W.M.P.(MD).No.9456 of 2024

M.Pandiyan (Retired Inspector)

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Treasury Officer,
Collectorate,
Madurai.

3.The Authorized Officer,
MD India Health Insurance TPA Pvt., Ltd.,
Guna Complex, New Door No.443 & 445,
Old No.304 & 305, Annasalai,
Teynampet,
Chennai – 600 0018.

4.The United India Insurance Company,
Rep. by its Divisional Manager,
No.52, South Masi Street,
Madurai – 625 001.

5.The Administrator,
Vedamalayan Hospital,
9A, Vallabai Road,
Chokkikulam, Madurai – 2.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified mandamus, to call for the records pertaining to the impugned Denial Letter passed by the third respondent in Nil proceedings, dated 29.03.2024 and quash the same as illegal and consequently, direct the respondents 1 to 4 to sanction the medical reimbursement amount of Rs.1,76,484/- (Rupees One Lakh Seventy Six Thousand Four Hundred and Eighty Four only) to the petitioner.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.M.Lingadurai for R1, R2 & R3
Special Government Pleader
Mr.C.Karthick for R4

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.A.Rajaram, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned counsel appearing for respondent Nos.1, 2 and 3 and Mr.C.Karthick, learned counsel appearing for the fourth respondent.

3. The petitioner was working as an Inspector of Police in the Police Department and he retired on 31.08.2007.

4. The petitioner has filed this writ petition seeking to sanction the medical reimbursement claim made by him to the tune of Rs.1,76,484/- (Rupees One Lakh Seventy Six Thousand Four Hundred and Eighty Four only).



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5. Mr.A.Rajaram, learned counsel appearing for the petitioner submitted that as per the Government Order in G.O.(Ms).No.171, Finance (Pension) Department dated 26.06.2014, the orders were issued for implementation of the New Health Insurance Scheme, 2014 for the pensioners (including spouse) / Family Pensioners on a cashless basis with provision of assistance upto Rs. 2,00,000/- for a block period of four years from 01.07.2014 to 30.06.2018. The Government sponsors the New Health Insurance Scheme through the United India Insurance Company Limited and the petitioner is a beneficiary of the Scheme as he has paid monthly subscription of Rs.400/-regularly from the year 2007.

6. The grievance of the petitioner is that the petitioner has paid a sum of Rs.1,76,484/- (Rupees One Lakh Seventy Six Thousand Four Hundred and Eighty Four only) towards his medical expenses and he approached the first respondent claiming the above said medical expenses. But the same has not been considered by the first respondent. Now, the petitioner has filed this Writ Petition stating that the disease for which the petitioner had taken treatment is covered under the above said Scheme and hence, the order rejecting the petitioner's reimbursement is not legal.



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7. Mr.C.Karthik, learned counsel appearing for the fourth respondent would submit that as per the New Health Insurance Scheme, 2014, if any one aggrieved can have their grievance redressed by way of filing an appeal before the District Level Empowered Committee.

8. If the petitioner is aggrieved due to the above action on the part of the Insurance Company, it is up to him to make his appeal before the District Level Empowered Committee in accordance with rules and work out his remedy there

9. In view of the aforestated reasons, this Writ Petition is **disposed of** by granting liberty to the petitioner to file an appeal before the District Level Empowered Committee within a period of two weeks from the date of a copy of this order and on receipt of the same, the District Collector / first respondent is directed to pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

29.04.2024

Index:yes/no
Internet:yes/no
Ncc : yes/no
TSG



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R.N.MANJULA, J.

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