



W.P.(MD).No.13727 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13727 of 2024

K.R.Robin Son

...Petitioner

Vs

1.The District Collector,
Kanniyakumari District.

2.The Joint Director of Medical and Rural Health Services,
Kanniyakumari District.

3.The District Educational Officer,
Kulithurai Educational District,
Kulithurai,
Kanniyakumari District.

4.The United India Insurance Company Limited,
Division Office 010 600,
5th Floor, PLA Rathna Towers,
212, Annasalai, Chennai – 6.

5.The Correspondent,
Concordia Higher Secondary School,
Poottety,
Kanniyakumari 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 relating to return order by the fourth respondent vide a Ref.No. 010600/MA/LD-38/17/2024 dated 03.04.2024 and quash the



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same as illegal and may consequently direct the fourth respondent to reimburse the medical expenses of the petitioner of Rs.4,55,269/- (Four Lakhs Fifty Five Thousand Two Hundred and Sixty Nine) with the interest at the rate of 12% till the payment.

For Petitioner : Mr.K.P.Narayanakumar

For R-1 to R-3 : Mr.M.Siddharthan
Additional Government Pleader

For R-4 : Mr.I.Robert Chandrakumar

ORDER

Heard Mr.K.P.Narayanakumar, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents 1 to 3 and Mr.I.Robert Chandrakumar, for the 4th respondent.

2.This Writ Petition has been filed challenging the order passed by the 4th respondent in Ref.No. 010600/MA/LD-38/17/2024 dated 03.04.2024 and consequently direct the fourth respondent to reimburse the medical expenses of the petitioner.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner, who is a beneficiary under New Health New Health Insurance Scheme has given a representation for reimbursement for a sum of Rs.4,55,269/- towards medical expenses incurred by the petitioner for the treatment undergone by him for canal Stenosis C2 – C5.

5. The sole reason for rejecting the petitioner's claim is that the petitioner's application and document have been received at the Office of the fourth respondent only on 23.02.2024, which is beyond the date of limitation. Hence, it was rejected.

6. Similar issue has already been dealt by this Court in W.P.(MD)No.13693 of 2024 and this Court vide order dated 26.06.2024 allowed the Writ Petition on the following terms:

“8. So far as the petitioner is concerned, he has made his application well before the cut-off date. The petitioner, who has incurred heavy medical expenditure of more than Rs.7 lakhs has been running from pillar to post from the year 2021, along with the grief of losing his wife.



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9.If such claims of the applicants are not considered, the whole object of New Health Insurance Scheme itself fails. Hence, the application of the petitioner ought to have been considered in all seriousness for reimbursement by ascertaining the original date, on which, the petitioner has made his application. However, the first respondent, without clarifying those facts from the Government respondents 1 to 4, has chosen to pass a convenient order of rejecting the claim of the petitioner, which is per se illegal and the same is liable to be set aside.

10.In the result, this writ petition stands allowed and the impugned order under ref. 010600 / MDI/ LDJAN-3/30/2024, dated 23.04.2024 is hereby set aside. The petitioner shall resubmit the returned papers / photocopies directly to the fourth respondent, who in turn, shall verify its genuineness from the concerned Hospital and act upon it for reimbursement and pass orders within a period of three weeks from the date of receipt of papers from the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

7. The above judgment is squarely applicable to the case of the petitioner. In this case also, the petitioner had submitted his application



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on 15.02.2023. The petitioner cannot be blamed for the delay caused in the movement of the file and the fourth respondent cannot conveniently reject the application stating that there is a delay. Since the fourth respondent has not considered the claim of the petitioner in a holistic manner, the impugned order is liable to be set aside.

8. In view of the above, the Writ Petition is **allowed** and the impugned order under Ref.No. 010600/MA/LD-38/17/2024 dated 03.04.2024 is hereby set aside. The petitioner is at liberty to resubmit the returned papers / photocopies directly to the fourth respondent, who in turn, shall verify its genuineness from the concerned Hospital and act upon it for reimbursement and pass orders within a period of three weeks from the date of receipt of papers from the petitioner. No costs.

27.06.2024

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



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To:
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R.N.MANJULA, J.

Nsr

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