



W.P.(MD).No.13693 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13693 of 2024
and WMP(MD) No.12057 of 2024

Raja

... Petitioner

Vs

1. The Joint Director of Agriculture,
O/o. District Collector Campus,
Korampallam, Tuticorin District.
2. The Assistant Director of Agriculture,
Kovilpatti, Tuticorin District.
3. The Joint Director Health Services,
Fisheries Campus, Tuticorin District.
4. United India Insurance Company Limited,
LBO. 010600 Silingi Buildings,
134, Creams Road, Backside of IDBI Bank,
Chennai – 600 006.
5. The Meenakshi Mission Hospital and Research Center,
Rep. by Chief Consultant,
Madurai.

... 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



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impugned order as passed by the 4th respondent under ref. 010600 / MDI/ LDJAN-3/30/2024, dated 23.04.2024 and quash the same as illegal, erroneous and arbitrary and consequently direct the 4th respondent to disburse the medical expenses.

For Petitioner : Mr. S.Palanivelayutham

For Respondents : Mr.M.Ramesh (R1 - R3)
Government Advocate

Mr.I.Robert Chandrakumar (R4)

ORDER

Heard Mr.S.Palanivelayutham, learned counsel for the petitioner, Mr.M.Ramesh, learned Government Advocate, for the respondents 1 to 3 and Mr.I.Robert Chandrakumar, for the 4th respondent.

2.This Writ Petition has been filed challenging the impugned order passed by the 4th respondent under ref. 010600 / MDI/ LDJAN-3/30/2024, dated 23.04.2024 and consequently to direct the 4th respondent to disburse the medical expenses.

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 filed a representation for reimbursement of sum of Rs.7,30,356/- towards medical expenses incurred by the petitioner for the treatment given to his wife, who was suffering from some heart ailment and died subsequently.

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 first respondent after 10.11.2023, by prescribing the cut-off date as 10.11.2023. The impugned order has been passed by rejecting the claim of the petitioner.

6.The learned counsel for the petitioner submitted that so far as the petitioner is concerned, he submitted his application for reimbursement as early as on 16.08.2021. Because of the prevailing red tapism, the documents have reached the office of first respondent only after 10.11.2023. Even as per the communication between the first respondent and second respondent, it is shown that the date of letter is 16.12.2022. It seems that there are many reminders sent in this regard. However, the petitioner only got the copy of communication only after 16.12.2022. It is to be noted that the petitioner has lost his wife



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subsequent to the treatment given to her and hence, the petitioner may not be able to respond to the communication earlier.

7.The fact remains that the petitioner has made his representation as early as on 16.08.2021. In fact, in the letter of the petitioner dated 31.01.2023, he has reiterated that he has already given the original and xerox copies of medical bills and also produced the consolidated bill along with the above letter. If the same is not sent to the first respondent in time by the Authorities concerned, that cannot be held against the petitioner.

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.

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



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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.

26.06.2024

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



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