



W.P.(MD)No.14935 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14935 of 2024

P.Rajasekar

... Petitioner

Vs.

- 1.The Secretary to the Government,
Finance Department, St.George Fort,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Treasury and Accounts,
Office of the Directorate of Treasuries and Accounts,
3rd Floor, Integrated Office Complex for
Finance Department,
Veterinary Hospital Campus,
Anna Salai, Nandanam,
Chennai-600 035.
- 3.The District Collector /
District Empowered Committee,
Tamil Nadu New Health Insurance Scheme,
Tirunelveli District,
Tirunelveli.
- 4.The Chief Engineer (Agricultural Engineering),
Department of Agricultural Engineering,
No.487, Anna Salai,
Nandanam, Chennai-600 035.



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5.The Superintending Engineer (Agricultural Engineering),
Agricultural Engineering Department,
Tirunelveli,
Tirunelveli District.-627 007.

6.The Divisional Manager,
United India Insurance Company,
Division Office VI, 5th Floor,
PLA Rathina Towers,
No.212, Annasalai,
Chenna-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay reimburse the medical reimbursement amount of Rs.1,85,465.50/- after deducting the sum of Rs.84,900/- paid to the petitioner on the basis of the medical reimbursement claim submitted by the petitioner under the Tamil Nadu New Health Insurance Scheme within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran

For R-1 to R-5 : Mr.J.Ashok,
Additional Government Pleader

For R-6 : Mr.A.Shajahan

ORDER

Heard Mr.P.Mahendran, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for respondent Nos.1 to 5 and Mr.A.Shajahan, learned counsel appearing for the sixth respondent.



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2. This Writ Petition has been filed seeking a direction to the respondents to pay the medical reimbursement of a sum of Rs.1,85,465.50/- after deducting the sum of Rs.84,900/- to the petitioner on the basis of the medical reimbursement claim submitted by the petitioner under the New Health Insurance Scheme within the time stipulated by this Court.

3. Mr.P.Mahendran, learned counsel appearing for the petitioner submitted that even when the authorities are recommended to settle a sum of Rs.1,44,967/- (Rupees One Lakh Forty Four Thousand Nine Hundred and Sixty Seven only) towards the medical reimbursement, the sixth respondent has allotted only Rs.84,900/- (Rupees Eighty Four Thousand and Nine Hundred only) to the petitioner. He further submitted that the petitioner is a beneficiary under the New Health Insurance Scheme. In the Government Order in G.O. (Ms).No.280, Finance (Salaries) Department, dated 24.06.2020, certain provisions have been made for reimbursement for the medical expenses for treating Covid-19 infection.

4. Mr.A.Shajahan, learned counsel appearing for the sixth respondent submitted that the Government Order in G.O.(Ms).No.280, Finance (Salaries) Department, dated 24.06.2020, which is relevant to Covid-19 does not have any appeal provision and hence, the petitioner has to accept the order as such.



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5. The above said Government Order in G.O.(Ms).No.280, Finance (Salaries) Department, dated 24.06.2020, is not the Government Order under which the New Health Insurance Scheme is formed. The above said Government Order has been issued in extension to the New Health Insurance Scheme already made or to protect the interest of the employees. In fact, in the said Government Order itself, it has been stated that the ceiling rate for inclusion of new package under the New Health Insurance Scheme for employees and the New Health Insurance Scheme for pensioners has been considered. So, it goes without saying that the above said Government Order and other connected Government Orders are only in continuation of the New Health Insurance Scheme and hence, it cannot be stated that the petitioner is deprived of any appeal remedy contemplated under the Scheme.

6. If the petitioner is aggrieved due to the impugned order passed by the sixth respondent, he is at liberty to file an appeal before the third respondent and on receipt of the same, the District Empowered Committee shall consider and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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7. With the above observations, the Writ Petition is disposed of. No

costs.

09.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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R.N.MANJULA, J.

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