



W.P.(MD)No.16414 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16414 of 2024 &
W.M.P.(MD)No.14225 of 2024

V.Palanivel Rajan

... Petitioner

VS.

1.The Principal Secretary to Government,
Finance (Health Insurance) Department,
Secretariat, Chennai - 600 009.

2.The United India Insurance
(Represented by Authorized Officer)
Silingi Buildings,
No.134, Greams Road,
Thousand Lights West,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 2nd respondent in Ref. 010600/MDI / LD Mar-7/28/2024 dated 03.05.2024 and quash the same as illegal and consequently directing the respondents to disburse the Medical reimbursement amount of Rs. 98 292/- to petitioner for the Medical expenses incurred by his wife by considering the petitioners application dated within time frame fixed by this Court.



W.P.(MD)No.16414 of 2024

For Petitioner : Mr.N.Rajasekar
For Respondents : Mr.J.Ashok
Additional Government Pleader for R1
Mr.A.Shajahan
Standing Counsel for R2

ORDER

Heard Mr.N.Rajasekar, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the first respondent and Mr.A.Shajahan, learned standing counsel appearing for the second respondent.

2. The petitioner has filed this writ petition seeking to quash the impugned order of the second respondent in Ref.010600/MDI/LD Mar-7/28/2024 dated 03.05.2024 and to direct the respondents to disburse the medical reimbursement amount of Rs.98,292/- to him for the medical expenses incurred by his wife by considering his application within a stipulated time.



W.P.(MD)No.16414 of 2024

WEB COPY

3. The petitioner who is working as a Conductor in the Tamil Nadu State Transport Corporation, Madurai. is a beneficiary of New Health Insurance Scheme. During the year 2023, he has made a claim for medical reimbursement for the delivery of his wife through C-section. The only reason stated by the second respondent for rejection of reimbursement claim is that the application is time barred. But, in no case, the employee can submit a representation directly to the Insurance Company within the time limit. The first thing an employee can do is to submit a medical reimbursement claim application to the employer who in turn will collect the documents and particulars and then sent it to the Insurance Company with recommendations. So far as the employer of the petitioner is concerned, there is no complaint that the petitioner had made a claim after the expiry of the prescribed time limit.

4. However, according to the second respondent, as per the instruction of the Finance (Health Insurance) Department, Secretariat, Chennai, all the reimbursement claim documents for the admissions between 01.07.2021 to 30.06.2023 for employees and between



W.P.(MD)No.16414 of 2024

WEB COPY

01.07.2022 to 30.06.2023 for pensioners have to be submitted on or before 10.11.2023. As the petitioner happened to send those documents only on 13.03.2024, the second respondent had taken a flimsy decision of rejecting the whole of the medical claim on the ground of delay. When the employer did not complain that the reimbursement claim of the petitioner is barred by limitation, the second respondent cannot make a fuss by creating his own limitation and rejecting the claim on this ground.

5. If any circular is issued by the Government, it is for the Government organization to take note of the same and enforce it. In the absence of any complaint from the employer of the petitioner, the second respondent ought not have rejected the claim without any authority. As the respondent had rejected the petitioner's claim on flimsy ground just to evade to pay the claim benefits, the same is liable to be set aside.

6. In view of the above observations, the writ petition is **disposed of** and the impugned order of the second respondent in Ref. 010600/MDI/LD Mar-7/28/2024 dated 03.05.2024 is set aside and the



W.P.(MD)No.16414 of 2024

WEB COPY

second respondent is directed to reconsider the reimbursement claim of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

22.07.2024

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

mbi

To

- 1.The Principal Secretary to Government,
Finance (Health Insurance) Department,
Secretariat, Chennai - 600 009.



WEB COPY



W.P.(MD)No.16414 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.16414 of 2024

22.07.2024