



W.P.(MD)No.16767 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16767 of 2024

R.Sagaya Rani

... Petitioner

vs.

1.The Joint Director Health and Welfare Department,
Usilampatti, Madurai.

2.The Treasury Officer,
Treasury Office, Theni.

3.The Senior Divisional Manager,
United India Insurance Co. Ltd.,
LBO: 0106000, Silingi Building,
134, Greams Road,
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 records relating to the impugned proceedings of the third respondent in Ref. 010600/COVID/LD-CRS-2/5/2024 dated 04.05.2024 and quash the same as illegal and consequently direct the third respondent to settle the medical reimbursement claim for a sum of Rs.2,92,840/- within the period that may be stipulated by this Court.



W.P.(MD)No.16767 of 2024

For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 and R2
Mr.A.Shajahan
Standing counsel for R3

ORDER

Heard Mr.R.Sagaya Rani, learned counsel appearing for the petitioner, Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.A.Shajahan, learned Standing Counsel appearing for the third respondent.

2. The Petitioner has filed this writ petition seeking to quash the impugned proceedings of the third respondent in Ref. 010600/COVID/LD-CRS-2/5/2024 dated 04.05.2024 and to direct the third respondent to settle the medical reimbursement claim of Rs. 2,92,840/- within the period that may be stipulated by this Court.

3. The petitioner who had spent a sum of Rs.2,92,840/- towards her husband's treatment for 'Covid-19' has applied for medical



W.P.(MD)No.16767 of 2024

WEB COPY

reimbursement and the third respondent Insurance Company has passed the impugned order, rejecting her claim on the sole ground of limitation. Hence, the petition.

4. In that 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 to the employer who in turn will collect the documents and particulars and then send 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 the claim after the expiry of the prescribed time limit.

5. However, according to the third respondent Insurance Company, as per the letter issued by them, all Covid claims ought to be submitted to them on or before 31.01.2024. As the documents relating to the petitioner's case happened to be received only on 15.04.2024, the third respondent had taken a flimsy decision of rejecting the whole of the medical claim on the ground of delay. When the employer did not



W.P.(MD)No.16767 of 2024

WEB COPY

complain that the reimbursement claim of the petitioner is barred by limitation, the third respondent cannot make a fuss by creating his own limitation and rejecting the claim on this ground. In the absence of any complaint from the employer of the petitioner, the third respondent ought not have rejected the claim without any authority. As the third respondent had rejected the petitioner's claim on flimsy ground just to evade paying 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 third respondent in Ref. 010600/COVID/LD-CRS-2/5/2024 dated 04.05.2024 is set aside and the third respondent is directed to re-consider 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.

24.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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W.P.(MD)No.16767 of 2024

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WEB COPY

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W.P.(MD)No.16767 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.16767 of 2024

24.07.2024