



W.P.(MD)No.17139 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17139 of 2024 &
W.M.P.(MD)No.14780 of 2024

M.Alima

... Petitioner

VS.

1.The Commissioner of Treasury and Accounts,
III Floor, Integrated Office Complex for Finance Department,
571, Anna Salai, Nandanam,
Chennai - 600 035.

2.The District Collector,
Theni District, Theni.

3.The District Treasury Officer,
Theni District, Theni.

4.The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office - 6, PLA Rathna Towers,
5th Floor, 212 Anna Salai,
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 pertaining to the impugned proceedings i) made in Rc.No.



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24789/NHIS-1/2021 dated 06.01.2022 issued by the 1st respondent and ii) made in Ref.010600/MDI/LDAPR-1/24/2024 dated 03.05.2024 issued by the 4th respondent, quash them, further direct the respondents to sanction and reimburse the medical expenses of Rs.3,50,244/- (Rupees Three Lakhs Fifty Thousand Two Hundred and Forty Four Only) for the treatment of COVID-19 undergone by the petitioner and her husband Hyder Ali at Theni Medical Center Hospital, Theni along with 9 percent interest till the date of payment.

For Petitioner : Mr.S.Ramu

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R3

Mr.A.Shajahan
Standing Counsel for R4

ORDER

Heard Mr.S.Ramu, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.A.Shajahan, learned Standing Counsel appearing for the fourth respondent.

2. The petitioner has filed this writ petition seeking to quash the impugned proceedings of the first respondent in Rc.No.



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24789/NHIS-1/2021, dated 06.01.2022 and the impugned proceedings of the fourth respondent in Ref.010600/MDI/LDAPR-1/24/2024, dated 03.05.2024 and direct the respondents to sanction and reimburse the medical expenses of Rs.3,50,244/- incurred by her for the treatment of COVID-19 undergone by her and her husband along with 9% interest till the date of payment.

3. The petitioner is a beneficiary covered under New Health Insurance Scheme. However, the petitioner's proposal has been rejected at the first instance and it has been communicated to her on 06.01.2022 by the first respondent. In the said communication itself, the reason assigned for rejecting the claim of the petitioner has been stated as 'non-critical nature and treatment taken in non-network hospital'. However, by virtue of a letter dated 01.03.2024, the third respondent informed the petitioner that the Insurance Company has sought for certain documents from her. On submission of those documents, the fourth respondent has proceeded to pass another order stating that the claim of the petitioner is time barred as it is submitted after the expiry of the prescribed time limit.



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4. The petitioner has suffered two orders. One is rejected on the ground of 'non-critical nature and treatment taken in non-network hospital' and the other on the ground of limitation. Had the order dated 06.01.2022 has been passed even before calling upon the petitioner to produce necessary documents, then the order would be a pre-matured one; or if the petitioner had submitted the documents in pursuant to the communication made to her on 01.03.2024, it is unfair on the part of the fourth respondent to reject the claim on the ground of limitation, because, the petitioner in all sincerity has responded to the communication and had produced the documents. Whatever may the case, now the petitioner appears to have submitted all the documents and she has also suffered an order of rejection on the ground of 'non-critical nature and treatment taken in non-network hospital'.

5. In such case, the best course open to the petitioner is to file an appeal before the District Level Empowering Committee, which has to take a decision as to the admissible claim of the petitioner in accordance with the New Health Insurance Scheme, or, if for any reason, the



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petitioner is not found to be covered under the Scheme, the Committee to recommend reimbursement under the Tamil Nadu Medical Attendance Rules.

6. In view of the above observations, the writ petition is **disposed of** and the petitioner is at liberty to prefer an appeal before the District Level Empowering Committee within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the District Level Empowering Committee shall pass appropriate order within a period of four weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

26.07.2024

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

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To
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R.N.MANJULA, J.

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