



W.P.(MD).No.17791 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17791 of 2024
and WMP(MD) No.15266 of 2024

P.Veluchamy

... Petitioner

Vs

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

2. The Divisional Manager,
United India Insurance and Company Limited,
Pla Rathina Towers,
5th Floor, 212, Anna Salai,
Chennai - 600 006.

3. The District Level Grievance,
Committee, Office of the District Collector,
Theni District,
Theni.

4. The Assistant Treasure Officer,
Uthamapalayam,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating with the impugned order of the 2nd respondent in his proceedings in Ref. 010600/MDI/LD APR-1/28/2024, dated 03.05.2024 and quash the same as illegal and consequently directing the respondents to sanction and reimbursements remaining balance medical expenses of Rs. 3,03,740/- (Three Lakhs Three Thousand Seven Hundred and Forty only) with 9 percent interest till the date of payment based on his last representation, dated 05.04.2024.

For Petitioner : Mr. R.Surya Narayanan

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.R.Surya Narayanan, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, for the respondents.

2.This Writ Petition has been filed challenging the impugned order of the 2nd respondent in his proceedings in Ref. 010600/MDI/LD APR-1/28/2024, dated 03.05.2024 and consequently to direct the respondents 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 on 30.04.2021 seeking for reimbursement of sum of Rs.5,88,000/- towards medical expenses incurred by the petitioner for Parallel Attack. However, the respondents have sanctioned only a sum of Rs.2,84,260/- instead of Rs.5,88,000/-. Therefore, the petitioner made another representation to the 4th respondent on 11.07.2022 requesting to disburse the remaining amount. The petitioner has also sent his representation to the 3rd respondent on 19.02.2024 and the same was forwarded to the 2nd respondent. However, the same was rejected by the 2nd respondent.

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 respondent after 10.11.2023, by prescribing the cut-off date as 10.11.2023. The impugned order has been passed by the 2nd respondent rejecting the claim of the petitioner.

6.The learned counsel for the petitioner submitted that so far as the petitioner's application is concerned, he submitted his application for reimbursement as early as on 30.04.2021. Since part of claim has been



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reimbursed, seeking for the remaining amount he has sent another representation to the 4th respondent, that too, on 23.08.2021. Since the same was not heeded, he sent another representation to the 3rd respondent on 20.02.2024. It is to be noted that the petitioner is a retired Teacher and he suffered by Polio Attack.

7.The fact remains that the petitioner has made his representation as early as on 30.04.2021. In fact, in the subsequent letter of the petitioner dated 20.02.2024, 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 appreciated by the second respondent properly, that cannot be held against the petitioner.

8.It is to be noted that the petitioner has made his application well before the prescribed cut-off date. The petitioner, who has incurred medical expenditure of more than Rs.5 lakhs has been running from pillar to post from the year 2020.



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9.If such claims of the applicants are not considered, the whole object of New Health Insurance Scheme itself will be defeated. 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 made his application. However, the second respondent, without clarifying those facts, has chosen to pass a convenient order for 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 in Ref. 010600/MDI/LD APR-1/28/2024, dated 03.05.2024 is hereby set aside. The petitioner shall resubmit the returned papers / photocopies directly to the second respondent, who in turn, shall verify its genuineness from the concerned Hospital and act upon it for reimbursement of balance amount 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.

31.07.2024

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



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To
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R.N.MANJULA, J.

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**ORDER IN
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