



W.P.(MD).No.18490 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18490 of 2024

and

W.M.P.(MD)Nos.15713 and 15715 of 2024

Dr.D.Malar @ Malar Jose

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai – 600 009.
- 2.The Commissioner of Treasuries and Accounts,
3rd Floor, Perasiriyar K.Anbazhagan Maligai,
571, Anna Salai, Nandhanam,
Chennai – 600 035.
- 3.The District Treasury Officer,
District Collectorate Campus,
Nagercoil,
Kanyakumari District.
- 4.The Managing Director,
United India Insurance Company Limited,
LBO: 010600, Silingi Building
134, Greams Road,
Chennai – 600 006.

... Respondents



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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 records relating to the impugned proceedings issued by the fourth respondent United India Insurance Company vide Ref:010600/CRS-186/14/2024 dated 07.06.2024 and Ref: 010600/CRS-186/13/2024 dated 07.06.2024, quash the same and further direct the respondents to sanction and disburse a sum of Rs.2,12,362/- towards the medical reimbursement to the petitioner for the medical expenses of the petitioner and her husband with interest at the rate of 7%.

For Petitioner : Mr.S.Xavier Rajini

For R-1 to R-3 : Mr.T.Amjadkhan
Government Advocate

For R-4 : Mr.I.Sudhakaran

ORDER

Heard Mr.S.Xavier Rajini, learned counsel for the petitioner, Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 to 3 and Mr.I.Sudhakaran, learned counsel for the 4th respondent.



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2. This Writ Petition has been filed seeking to quash the proceedings of the fourth respondent Ref:010600/CRS-186/14/2024 dated 07.06.2024 and Ref: 010600/CRS-186/13/2024 dated 07.06.2024 and further direct the respondents to sanction and disburse a sum of Rs.2,12,362/- towards the medical reimbursement to the petitioner for the medical expenses of the petitioner and her husband with interest at the rate of 7%.

3. Mr.S.Xavier Rajini, learned counsel for the petitioner submitted that the petitioner, who is a Government servant, is the beneficiary under the National Health Insurance Scheme. The petitioner and her husband were affected due to COVID-19 and undergone treatment in the Jeyasekharan Hospital for a period from 21.04.2021 to 28.04.2021 and from 22.04.2021 to 29.04.2021, by incurring a sum of Rs.2,12,362/- towards the treatment. Under such circumstances, the petitioner submitted a proposal on 09.06.2021 to the third respondent requesting them to disburse a sum of Rs.2,12,362/- towards medical reimbursement. However, the fourth respondent vide order dated 07.06.2024 rejected the claim of the petitioner stating that the application regarding medical



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reimbursement for Covid claims has to be reached the office on or before 31.01.2024. But, all the documents of the petitioner were received by the office only on 14.05.2024 ie., after 31.01.2024.

4. Even though the second respondent vide order dated 31.05.2022 directed the insurance company to take necessary action for medical reimbursement, the fourth respondent has passed the impugned proceedings dated 07.06.2024 without any basis. Aggrieved over the same, the present petition is filed.

5. The fact remains that the petitioner has submitted his proposal as early as on 09.06.2021. In fact, the second respondent also directed the insurance company for taking necessary action on 31.05.2022 itself. 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 submitted his application. However, the fourth respondent, without clarifying those facts from the authorities, has chosen to pass a convenient order of rejecting the claim of the petitioner, which is *per se* illegal and the same is liable to be set aside.



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6. In view of the above observations, the writ petition is **disposed of** and the impugned order of the fourth respondent in Ref:010600/CRS-186/14/2024 dated 07.06.2024 and Ref:010600/CRS-186/13/2024 dated 07.06.2024 are set aside and the fourth respondent is directed to reconsider the medical 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 Petitions are closed.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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R.N.MANJULA, J.

Nsr

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