



WP(MD). No.21403 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04/06/2024

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

WP(MD). No.21403 of 2022

Kanagambujam

... Petitioner

Vs

1. Finance Department,
State of Tamil Nadu, Rep by its
Additional Chief Secretary to Government,
Department of Finance,
Fort St.George, Chennai 9.

2. The Commissioner of Treasuries
and Accounts / Joint Director,
Department of Treasuries and Accounts,
3rd Floor, Veterinary Hospital Campus,
No.571, Anna Salai, Nandanam, Chenna.

3. The District Level Empowered,
Committee, Rep by the District
Collector, Pudukkottai District.

4. The Senior Divisional Manager,
United India Insurance Company,
Divisional Office Vi, 5th Floor, Pla
Rathna Tower, 212, Anna Salai, Chennai 6.

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in O.Mu.No.20013/ Pu.Ma.Ka.Thi-3/ 2021 dated 11.08.2021 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the Respondents to provide medical reimbursement to the tune of Rs.8,83,580/- (Eight Lakhs Eighty Three Thousand Five Hundred and Eighty Rupees only) to the petitioner with interest at the rate of 12 percent per annum for the delayed payment in the light of the Judgment of the Honble Supreme Court in Shiva Kant Jha v. Union of India reported in AIR 2018 SC 1975 and the judgment of the Madurai Bench of Madras High Court in WP(MD) No.20360/2021 dated 06.01.2022 within the time stipulated by this court.

For Petitioner : M/s. S.Rajasekar

For Respondents : Mr.J.Ashok for R1 to R3
Additional Government Pleader
Mr.C.Karthick for R4

ORDER

The petitioner, who is a retired State Government employee, is the beneficiary under the NHIS. She had affected due to COVID-19 and as such, she took treatment in Santhi Hospitals, Tenkasi by paying a sum of Rs.8,83,580/-. When the petitioner approached the respondents for medical reimbursement under G.O.Ms.No.280, the same has been



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rejected stating that the said Government order was issued for non critical claim.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3 and the learned standing counsel for the fourth respondent.

3. The learned counsel for the 4th respondent submitted that the petitioner is entitled to get the reimbursement under the Government order issued in G.O.No.165 dated 01.06.2022. It is further submitted that when similar writ petitions were filed, this Court disposed of those writ petitions by directing the authorities to consider in terms of G.O.Ms.No. 165.

4. When similarly placed persons filed similar writ petitions making similar claim, this court has passed an order directing the authorities to consider the matter under G.O.Ms.No.165 dated 01.06.2022 Hence, similar line of approach is taken for the similar issue involved in this case.



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5. Accordingly, the writ petition is allowed and the impugned order of the 2nd respondent dated 11.08.2021 is set aside and the respondents are directed to reconsider the claim of the petitioner in the light of G.O.Ms.No.165 dated 01.06.2022 and pass appropriate orders for reimbursement, if it is covered under G.O.No.165, in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

04.06.2024

RR

TO

1. Additional Chief Secretary to
Government, Department of Finance,
Fort St.George, Chennai 9.
2. The Commissioner of Treasuries,
and Accounts / Joint Director,
Department of Treasuries and Accounts,
3rd Floor, Veterinary Hospital Campus,
No.571, Anna Salai, Nandanam, Chenna.
3. The District Level Empowered,
Committee, Rep by the District
Collector, Pudukkottai District.

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R.N.MANJULA,J

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**ORDER
IN
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Date : 04/06/2024