



WP(MD) No.20869of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.20869 of 2023

and

WMP(MD)No.17279 of 2023

S.Thankaraj

.. Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. By its Special Secretary to Government,
Finance (Health Insurance) Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Director,
Medical and Rural Health Services Department,
Thenampettai,
Chennai.

3.The District Collector,
Kanyakumari District at Nagercoil.



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4.The Joint Director of Medical Services,
Medical and Rural Health Services Department,
Kanyakumari District.

5.The Treasury Officer,
District Treasury,
Kanyakumari District at Nagercoil.

6.MD, Indian Health Care Services(TPA) Private Ltd.,
(Unit of United India Insurance Company Ltd.,)
Rep. Through its Assistant Manager,
No.27, Lakshmi Towers, 3rd Floor,
Mylapore, Chennai- 600 004.

..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 records relating to the impugned order in G.O(Rt)No.597 dated 10.08.2022 passed by the 1st respondent, quash the same and consequently direct the respondents to reimburse the balance amount of Rs.3,92,665/- along with the interest of 7.5% per annum to the petitioner towards the medical expenses incurred by the petitioner towards his wife's treatment within the time stipulated by this Court.



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For Petitioner : Ms.R.Jenifar Bibin

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R5

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order in G.O(Rt)No. 597 dated 10.08.2022 passed by the 1st respondent and for a consequential direction to the respondents to reimburse the balance amount of Rs.3,92,665/- along with the interest of 7.5% per annum to the petitioner towards the medical expenses incurred by the petitioner towards his wife's treatment.

2. Heard Ms.R.Jenifar Bibin, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 5.

3. The petitioner who has earlier made claim for medical reimbursement to the tune of Rs.3,97,015/- under the New Health



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Insurance Scheme. Since the petitioner's claim was not considered, the petitioner and similar others have filed a batch of writ petitions in W.P. (MD)Nos.18055 of 2020 etc., batch in which the petitioner's writ petition is W.P.(MD)No.7404 of 2019. After hearing the petitioner's representation, this Court in its order dated 16.12.2020 has passed the following order:

“33.....

The impugned orders are set aside and remand those matters back to the DLEC / SLEC, to re-consider its orders, within a period of two months from the date of receipt of a copy of this order, and pass an order on the following:

(a)the claimants / petitioners entitlement for reimbursement of medical expenses under the applicable New Health Insurance Scheme from the Insurance Company.

(b) the claimants / petitioners entitlement under the Tamil Nadu Medical Attendance Rules.

(c) fix the time limit to make payment to the claimants / petitioners under the clause (a) & (b), above”

4. However, the petitioner has been sanctioned with an amount of Rs.4,350/- only under the Tamilnadu Medical Attendance Rules. The earlier directions are for consideration of the claim under the New Health Insurance Scheme. But the 6th respondent has not considered the claim of the petitioner and pass any orders to that effect so far. Even in the impugned order, the first respondent has not assigned any reason as



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to why the claim was restricted to only 4,350/-. In fact it is observed in the impugned order in para No.6 that the petitioner is not entitled to get any claim for reimbursement under New Health Insurance Scheme, 2014 and the said part of the order is extracted as under:

“6.As per the Government guidelines issued under New Health Insurance Scheme 2014 for Pensioner in the Government Order first read above, the medical treatment taken by the petitioner's wife Tmt.Mary in Non-network hospital is not eligible for claim under New Health Insurance Scheme 2014.”

5. When the Court has given an order by considering the claim of the petitioner and directed the respondents in the said writ petition to settle the claim of the petitioner by considering it under both the Tamilnadu Medical Attendance Rules as well as New Health Insurance Scheme, the 6th respondent ought to have considered the same and pass orders. But the first respondent has assumed the role of the 6th respondent upon himself and has made a mention in the impugned order itself by rejecting the claim of the petitioner as against the insurance company as well. Hence, the impugned order is liable to be set aside.



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6. In view of the same, the impugned order dated 10.08.2022 passed by the 1st respondent is set aside and the respondents 1 & 6 are directed to comply the earlier order of this Court given in W.P(MD)No. 7404 of 2019 dated 16.12.2020 and pass a revised order for medical reimbursement within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is **disposed of**. No Costs. Consequently, connected miscellaneous petition is closed.

05.06.2024

Index : Yes / No
NCC : Yes / No
PJL

To

1. The Special Secretary to Government,
Government of Tamilnadu,
Finance (Health Insurance) Department,
Fort St.George, Secretariat,
Chennai-600 009.



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2.The Director,
Medical and Rural Health Services Department,
Thenampettai,
Chennai.

3.The District Collector,
Kanyakumari District at Nagercoil.

4.The Joint Director of Medical Services,
Medical and Rural Health Services Department,
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R.N.MANJULA, J.

PJL

Order made in
W.P.(MD)No.20869 of 2023
and
WMP(MD)No.17279 of 2023

Dated:
05.06.2024