



W.P.(MD)No.25284 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25284 of 2019

and

W.P.(MD)No.21879 of 2019

A.Kaja Mavunudeen

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The District Treasury Officer,
District Treasury,
Kokkirakulam,
Palayamkottai,
Tirunelveli.

3.The Joint Director,
Medical and Rural Health Services Department,
Palayamkottai,
Tirunelveli District.

4.MD India Health Care Service (TPA) Pvt. Ltd.,
No.7, Lakshmi Tower, 3rd Floor,
Dr.Radhakrishnan Salai,
Mylapur,
Chennai.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the second respondent vide க.மு.அ.446/2019/N1 dated 14.10.2019 and consequently direct the respondents 2 to 4 to pay the petitioner's medi-claim insurance claimed for a sum of Rs.1,64,092/- along with the accrued rate of interest in connection with the treatment of the petitioner's wife K.Beemajan as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondents 1 to 3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 14.10.2019 passed by the second respondent, rejecting the petitioner's request for reimbursement of his medical expenses for a sum of Rs.1,64,092/- in connection with the treatment of the petitioner's wife K.Beemajan, on the ground that the petitioner's wife took treatment in a non-network hospital.



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2.The issue is now well settled by various decisions rendered by this Court including an order dated 05.12.2023 passed by the Division Bench of this Court in W.P.(MD)No.25304 of 2018 in the case of C.Mani Vs. Principal Secretary to Government and others, wherein it has been held that the issue regarding the settlement of medical claim is no longer *res integra* in respect of treatment undergone in a non-network hospital. The Courts have consistently held that despite the fact that the treatment was taken in a non-network hospital, any claimant under the Insurance Scheme is eligible for getting reimbursement. The case on hand is also a case where the petitioner's wife had taken treatment in a non-network hospital and only due to the said reason, the claim for reimbursement has been rejected under the impugned order.

3.In view of the settled law as laid down by various decisions of this Court including the decision referred to supra, the impugned order has to be necessarily quashed and the writ petition will have to be allowed.

4.Accordingly, the impugned order dated 14.10.2019 passed by the second respondent is hereby quashed and this writ petition is allowed and the second respondent is directed to settle the eligible medical reimbursement claim of the petitioner under the



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Insurance Scheme within a period of four [4] months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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Tirunelveli.

3.The Joint Director,
Medical and Rural Health Services Department,
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ABDUL QUDDHOSE, J.

MR

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