



W.P.(MD).No.22351 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.22351 of 2017

P.V.Manthai Veeran

...Petitioner

Vs

1.The Secretary to Government,
Department of Health & Family Welfare,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.

2.The Project Director,
Tamil Nadu Health Systems Project (TNHSP),
II Floor, DMS Annex New Building,
No.259, Anna Salai, Teynampet,
Chennai – 600 006.

3.The District Collector,
Madurai District.

4.The Deputy Director,
Health Officer,
Melur Taluk,
Madurai District.

5.The Divisional Manager,
United India Insurance Co.Ltd.,
Divisional Office VI,
Vth Floor, P.L.A.Rathna Towers,
No.212, Anna Salai,
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 order of the third respondent in Na.Ka.No.M6/3410/2017 dated 25.09.2017 quash the same and consequently direct the respondents herein to reimburse the medical claim of Rs.2,00,000/- to the petitioner under the Chief Minister's Comprehensive Health Insurance Scheme as per the medical bill dated 11.10.2016 within a reasonable time as may be fixed by this Court.

For Petitioner	: Mr.Thayumanasamy
For R-1, R-3 and R-4	: Mr.N.Ramesh Arumugam Government Advocate
For R-5	: Mr.G.Prabhu Rajadurai

ORDER

Heard Mr.Thayumanasamy, learned counsel for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents 1, 3 & 4 and Mr.G.Prabhu Rajadurai, learned counsel for the 5th respondent.



W.P.(MD).No.22351 of 2017

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2. The Writ Petition had been filed challenging the order rejecting the request of the petitioner for reimbursement of medical expenses on the ground that prior permission has not been sought for taking treatment under the Prime Minister Medical Insurance Scheme.

3. The learned counsel for the petitioner would submit that the petitioner had been enrolled with the membership of the Chief Minister's Comprehensive Health Insurance Scheme and was issued an Identity Card in proof of the same on 03.10.2016. However, during the intervening period, the petitioner was admitted to the Apollo Hospital, Madurai on 30.09.2016, and upon diagnosis, it was found that there were three blocks in the heart, and he was advised to undergo open heart surgery. In view of the emergency situation, the petitioner underwent the treatment, which cost approximately Rs.2,00,000/-, and thereafter, he made a claim for reimbursement of the expenses. The open heart surgery was conducted on 04.10.2016, and the petitioner was discharged on 11.10.2016. He submitted various representations to the Chief Minister's Special Cell and other authorities, narrating the entire sequence of events



W.P.(MD).No.22351 of 2017

and requesting that the benefits of the scheme be extended to him. The petitioner had borrowed money at interest from relatives, and friends, and he was unable to repay the amount borrowed. The petitioner is entitled to the benefits of the Comprehensive Health Insurance Scheme and, consequently, he is also entitled to reimbursement of the money spent by him on medical expenses. However, the respondents rejected the petitioner's claim, prompting him to approach this Court. The petitioner would submit that, having enrolled in the Insurance Scheme, he ought to have been extended the benefits of the scheme, which were wrongly denied to him. Therefore, he would submit that the impugned order is liable to be set aside and the respondents should be directed to extend the benefits of the insurance scheme to him.

4. On the contrary, the learned counsel appearing for the respondents would submit that, as per the scheme, a patient who has been enrolled under the scheme would be required to obtain prior approval for taking treatment, and only then they would be entitled to the benefits of the scheme. He would further submit that, in the present case, the petitioner was admitted to the hospital on 30.09.2016, but was



W.P.(MD).No.22351 of 2017

only enrolled in the scheme on 03.10.2016. Therefore, he would submit that the petitioner is not entitled to the benefits of the scheme, as the enrollment occurred after the admission to the hospital. He would also rely upon the judgment of the learned Single Judge of this Court in W.P.No.24434 of 2017, dated 30.03.2023, wherein, in similar circumstances, this Court had found that no pre-authorization had been taken by the petitioner and had dismissed the writ petition.

5. I have considered the submissions made on either side and perused the materials available on record.

6. Admittedly, the petitioner had suffered a heart attack and was admitted to the hospital on 30.09.2016, but only thereafter he enrolled in the Chief Minister's Comprehensive Health Insurance Scheme on 03.10.2016. He underwent surgery on 04.10.2016, and furthermore, the petitioner had also not obtained the necessary authorization for taking medical treatment as required under the scheme. If the petitioner had enrolled himself in the scheme only after he suffered from the ailment, then on that reason alone, the claim of the petitioner cannot be



W.P.(MD).No.22351 of 2017

entertained. Further, the scheme envisages that authorization should be obtained before treatment is undertaken under the scheme. The petitioner has not provided any proof that he approached for authorization, even under the scheme, and therefore, the claim of the petitioner cannot be entertained. This is the same view that was taken by the learned Single Judge of this Court in the judgment relied upon by the respondents.

7. For the aforesaid reason, I do not find any reasons in the writ petition. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

19.12.2024

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



W.P.(MD).No.22351 of 2017

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W.P.(MD).No.22351 of 2017

K.KUMARESH BABU, J.

Nsr

W.P.(MD).No.22351 of 2017

19.12.2024