



WP(MD) No.29433 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.29433 of 2023
and
W.M.P(MD)No.25391 of 2023

M.Sivagnanam

... Petitioner

Vs.

1.The Secretary to Government (Expenditure),
Finance (Health Insurance) Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 9.

2.The Commissioner of Treasuries and Accounts,
Chennai – 35.

...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 proceedings of the respondent No.1



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in G.O.(D)No.324, Finance (Health Insurance) Department, dated 22.09.2023 and to quash the same only with regard to the amount sanctioned and consequently direct the respondents herein to sanction Rs.8,91,269 (Rupees Eight Lakhs Ninety One Thousand and Two Sixty Nine) towards reimbursement of medical expenses incurred by the petitioner and to pay the balance of Rs.4,91,269 with 9% interest from the date of remittance of amount to the Hospital by the petitioner till the date of payment.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus, to quash the proceedings of the respondent No.1 in G.O.(D)No.324, Finance (Health Insurance) Department, dated 22.09.2023 only with regard to the amount sanctioned and consequently, to direct the respondents herein to sanction Rs.8,91,269 (Rupees Eight



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Lakhs Ninety One Thousand and Two Sixty Nine) towards reimbursement of medical expenses incurred by the petitioner and to pay the balance of Rs.4,91,269 with 9% interest from the date of remittance of amount to the Hospital by the petitioner till the date of payment.

2. Heard Mr.V.Kannan, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

3. The petitioner is said to have incurred a sum of Rs.8,91,269/- towards treatment given to the petitioner for the period from 10.04.2015 to 17.04.2015.

4. As the petitioner has been sanctioned with only Rs.4,00,000/- towards reimbursement, he has filed this writ petition challenging the rejection of rest of his claim and seeking direction to the first respondent to consider the reimbursement of the remaining balance amount of Rs.4,91,216/- with 9% interest.



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5. The petitioner's treatment period relates back to the year 10.04.2015 to 17.04.2015. The scheme that was in force during the relevant point of time is the New Health Insurance Scheme, 2012. The impugned order has also made a reference about the said scheme issued under G.O(Ms).No.243, Finance Department, dated 29.06.2012, and made an observation that Rs.4,00,000/- is the upper ceiling for one block period of four years under the scheme. By so observing, the Government Order has been issued by the first respondent on the recommendation made by the District Level Empowering Committee.

6. On a perusal of the scheme also, it is seen that the maximum coverage is restricted to Rs.4,00,000/- within the block period of four years period. Since the petitioner has crossed the ceiling, it is right to restrict the claim of the petitioner to Rs.4,00,000/- under the scheme. However, in respect of the balance claim, the claim of the petitioner can be considered under the Medical Attendance Rules.

7. In view of the same, the respondents 1 and 2 are directed to consider the balance claim of the petitioner under Medical Attendance



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Rules subject to limit of eligibility and pass orders within a period of four weeks.

8. With the above observation and direction, the Writ Petition stands **disposed of**. No costs. Consequently, connected Miscellaneous Petition is closed.

12.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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- 2.The Commissioner of Treasuries and Accounts,
Chennai – 35.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.29433 of 2023

Dated:
12.06.2024