



WP(MD) No.29437 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.29437 of 2023

S.Krishnadhas

... Petitioner

Vs.

1. The Secretary to Government,
Finance and Pension Department,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner of Treasuries and Accounts,
Integrated Office Complex for Finance Dept.,
3rd Floor, Veterinary Hospital Campus,
Anna Salai, Chennai-600 035.

3. The Star Health and Allied Insurance Company,
Rep. By its Divisional Manager,
1, New Tank Street,
Valluvar Kottam High Road,
Nungambakkam,

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Chennai-600 034.

4.The District Level Empowered Committee,
Rep., by the District Collector,
Kanyakumari District at Nagercoil.

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

6.The Joint Director of Medical and Rural Health Services,
Nagercoil, Kanyakumari District. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 5th respondent pertaining to its order bearing Rc.No.21977/2015(54)/L2 dated 20.12.2021 and to quash the same and consequently directing the respondents to disburse the balance amount of Rs.3,50,000/- spent by the petitioner for the treatment underwent by his wife Renjitha Bai within a stipulated time fixed by this Court.

For Petitioner : Mr.SC.Herold Singh



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For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1, R2 and R4 to R6

: Mr.C.Karthick for R3

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus challenging the proceedings of the 5th respondent in Rc.No.21977/2015(54)/L2 dated 20.12.2021 and for consequential direction to the respondents to disburse the balance amount of Rs.3,50,000/- spent by the petitioner for the treatment underwent by his wife Renjitha Bai.

2. Heard Mr.SC.Herold Singh, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1,2 &4 to 6 and Mr.C.Karthick learned counsel appearing for the 3rd respondent.

3. The specific claim of the petitioner is that as per the New Health Insurance Scheme, 2021, the maximum eligibility limit for medical reimbursement is Rs.10,00,000/-. But in the impugned order of



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the 5th respondent dated 20.12.2021, the reasons assigned for limiting the sanctioned amount to Rs.4,00,000/ is as per the District Level Empowered Committee meeting held on 28.08.2021, the petitioner's claim was rejected due to the following reason:

Sl. No.	Name of the Pensioner	Decision of the ELEC
6.	Mr.S.Krishnadas	Not Recommended. Already paid eligible package amount Rs.40,00,000/-. Not eligible for enhancement.

4. The learned Additional Government Pleader submitted that the present case is related to the New Health Insurance Scheme-2018 for Pensioners(including spouse)/Family Pensioners and details of G.O.Ms.No.222 Finance (Pension) Department, dated 30.06.2018. As per the scheme, the maximum eligible amount is Rs.4,00,000/- for a block of four years from 01.07.2018 to 30.06.2022. Accordingly, the maximum eligible amount of Rs.4,00,000/- has already been settled to the petitioner. The treatment underwent by the petitioner does not come under the specified treatment as provided in Annexure I-A, in which it is stated that Rs.10,00,000/- will be sanctioned for specific diseases.



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Hence, the petitioner is not eligible for claiming Rs.10,00,000/- as per New Health Insurance Scheme 2021.

5. The petitioner is said to have incurred Rs.10,00,000/- towards the medical treatment given to his wife for the disease 'Encephalitis'. The treatment period is from 10.04.2019 to 18.08.2019 and from 19.11.2020 to 23.11.2020 which is obviously prior to the implementation of the New Health Insurance Scheme, 2021. In G.O.Ms.No.160 Finance (salaries) Department dated 29.06.2021, it is clearly stated that an overall limit of Rs.10,00,000/- can be allowed as per the above New Health Insurance Scheme, 2021 for the specified illness listed in Annexure I-A of the said scheme.

6. Even by presuming that the petitioner would get the benefit of New Health Insurance Scheme, 2021, the illness for which the treatment is given does not find place in Annexure 1-A. So, without any basis, he filed this writ petition on a thorough misconception.



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7. It is reiterated that the New Health Insurance Scheme, 2021 can be implemented prospectively and cannot be given with any retrospective effect as the treatment was taken earlier to the implementation of 2021 scheme. Hence, this writ petition is not maintainable and liable to be dismissed.

8. In the result, this writ petition is **dismissed**. No Costs.

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Index : Yes / No
NCC : Yes / No
PJL

To

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R.N.MANJULA, J.

PJL

Order made in
W.P.(MD)No.29437 of 2023

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