



W.P.(MD).No.19 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.19 of 2024

and

W.M.P(MD)No.11 of 2024

S.Thangampillai

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Treasury Officer,
District Treasury Office,
Collectorate Complex,
Madurai-625 020.

3.The United India Insurance Company,
Represented by its Chief Manager,
Divisional Office-VI,
PLA Rathna Towers, 5th Floor,
212, Anna Salai,
Chennai-600 006.

4.The Joint Director,
Medical and Rural Health Services,
Madurai District,
Madurai-625 020.



W.P.(MD).No.19 of 2024

5.M/s.Priyan Hospital,
Represented by its Administrative Officer,
No.641, 13th East Cross Street,
Anna Nagar, Madurai-625 020.

... 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 pertaining to the impugned order No.006240, dated 18.07.2022 passed by the 3rd respondent and quash the same as illegal and consequently direct the respondents 1 and 4 to sanction the medical reimbursement amount of Rs.2,45,044/- (Rupees Two Lakhs Forty Five Thousand and Forty Four only) to the petitioner.

For Petitioner : Mr.A.Rajaram

For R1,R2 & R4 : Mr.C.Baskaran
Government Advocate

For R3 : Mr.I.Robert Chandrakumar

ORDER

The present writ petition has been filed to call for the records pertaining to the impugned order No.006240, dated 18.07.2022 passed by the 3rd respondent and quash the same as illegal and consequently direct the respondents 1 and 4 to sanction the medical reimbursement amount of



W.P.(MD).No.19 of 2024

Rs.2,45,044/- (Rupees Two Lakhs Forty Five Thousand and Forty Four only) to the petitioner.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was served as a Head Constable in the Police Department and retired on 30.06.2008. He is a subscriber of the New Health Insurance Scheme, 2014 introduced vide G.O.Ms.No.171, Finance (Pension) Department, dated 26.06.2014. The petitioner's wife, namely Meena was admitted in the 5th respondent hospital on 23.10.2021 for Kidney problem with the diagnosis of ILLEAL-COLO-VESICAL FISTULA (MALIGNANT) and surgery was conducted on 24.10.2021 and she was discharged on 09.11.2021. For which, an medical expenditure of Rs.2,45,044/- (Rupees Two Lakhs Forty Five Thousand and Forty Four only) was incurred by the petitioner. The petitioner made a representation before the 1st respondent claiming the medical expenditure from the 3rd respondent. The representation was also sent to the respondents by the petitioner on 09.06.2023. While so, the petitioner's wife passed away on 29.04.2022. In the meanwhile, the 3rd respondent issued the



W.P.(MD).No.19 of 2024

impugned order, dated 18.07.2022 rejecting the petitioner's application seeking medical claim. Challenging the same, this writ petition came to be filed.

4. The reason for the rejection is that the medical condition is not one covered under the scheme and the line of management was also not an emergency. However, the matter in hand is no more res-integra. This Court in ***W.P(MD)No22716 of 2023 (K.Muthusamy Vs. The Principal Secretary to Government & Others)***, dated 19.09.2023 has dealt with a similar manner and has passed favourable orders to the petitioner therein. The relevant portion of which is extracted as follows:

“5. The learned Standing Counsel for the sixth respondent drew my attention to the impugned order, wherein it has been stated that the petitioner cannot be covered under the New Health Insurance Scheme, since the treatment was taken in non-network hospital under non emergency condition. However, the petitioner's case is recommended by the Committee under the Tamil Nadu Medical Attendance Rules as per the guidelines issued by the Government under Rule 14 Sub Clause 4 of the guidelines for implementation of new Health Insurance Scheme, 2022 for pensioners including spouse, family pensioner. In terms of the said guidelines, Rule 14, Sub Clause 4 and in terms of the mandates of G.O(Ms)No.401 of the Health and Family Welfare (Z1) Department,



W.P.(MD).No.19 of 2024

dated 09.09.2021, the cases in which the claimants have taken treatment in non-network hospital under non emergency condition would be covered under the Tamil Nadu Medical Attendance Rules.”

5. In view of the same, this Court direct the petitioner to make a fresh representation to the respondents 2 and 4. The respondents 2 and 4, on receipt of the same, are directed to consider the case of the petitioner under Tamil Nadu Medical Attendance Rules as per the guidelines issued by the Government within a period of eight (8) weeks from the date of receipt of representation from the petitioner.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

03.01.2024

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

1.The District Collector,
Madurai District,
Madurai.



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W.P.(MD).No.19 of 2024

- 2.The District Treasury Officer,
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- 3.The Joint Director,
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W.P.(MD).No.19 of 2024

L.VICTORIA GOWRI, J.

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W.P(MD)No.19 of 2024

03.01.2024