



W.P.(MD).No.31100 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31100 of 2023

Pattaiah

... Petitioner

Vs

1. The Secretary to Government,
Finance (Pension) Department ,
Government of Tamilnadu ,
Chennai - 9.
2. The Additional Treasury Officer,
District Treasury, Tirunelveli District,
Tirunelveli - 9.
3. The District Level Empowered Committee,
Tirunelveli District,
Tirunelveli Rep by its Chairman / District Collector.
4. The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli.

... 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 entire records in respect of the proceedings of the second respondent in No. 9127/ 1/2019, dated -.08.2019 (signed on 16.08.2019) and consequently to



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direct the respondents to sanction the medical reimbursement of Rs.94,999/- the medical expenses incurred by the petitioner.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed challenging the proceedings of the second respondent in No.9127/ 1/2019, dated -.08.2019 (signed on 16.08.2019) and consequently to direct the respondents to sanction the medical reimbursement of Rs.94,999/- towards the medical expenses incurred by the petitioner.

2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents. Perused the materials on record.



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4.The petitioner was appointed as Electrician Grade II in Tirunelveli Medical College on 26.02.1982. He was redesignated as Skilled Assistant Grade II. He retired from service on 31.03.2016. The petitioner being a Government employee, is covered under the New Health Insurance Scheme. The petitioner's wife was admitted as inpatient on 10.09.2018 and she took treatment for total thyroidectomy and was discharged on 24.09.2018, for which, he had incurred medical expenses to the tune of Rs.94,999/-. The petitioner made an application, dated 24.09.2018 seeking reimbursement of the medical expenses with all necessary documents. However, the second respondent vide proceedings, dated 16.08.2019 rejected the petitioner's application for the reason that the treatment was taken in a non-network hospital, which is contrary to G.O.Ms.No.241 Finance (Salaries) Department, dated 24.08.2016. Thereafter, the petitioner made several representations to the fourth respondent seeking reimbursement of medical expenses under Tamil Nadu Medical Attendance Rules. Hence, this petition came to be filed.

5.The learned Special Government Pleader appearing for the respondents submitted that the representation of the petitioner cannot be considered since the petitioner's wife took treatment in a non-network hospital.



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If at all, a fresh representation is submitted, the same would be considered under the Tamil Nadu Medical Attendance Rules. Hence, prayed to dismiss the petition.

6.However, the matter in hand is no more res-integra. This Court already dealt with similar issue in W.P(MD)No.22716 of 2023, dated 19.09.2023 and passed favourable orders. The relevant portion is extracted hereunder:

“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, 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.”



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7.I am fully fortified with the order passed by this Court discussed supra. Hence, I hereby direct the petitioner to submit a fresh representation to the second respondent within a period of one week, from the date of receipt of copy of this order. On receipt of the same, the second respondent is directed to consider the petitioner's representation as per the guidelines issued under Tamil Nadu Medical Attendance Rules within a period of eight weeks, thereafter.

8.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

29.01.2024

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



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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