



WEB COPY



W.P.No.18740 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 3/4/2025

C O R A M

The Hon'ble **Ms.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.18740 of 2023

1. V. Selvaraj

2. S. Padmavathi

...

Petitioners

Vs

1. The Secretary to Government
Home (Police II) Department
Fort St. George
Chennai 9.

2. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai 4.

3. The Commissioner of Police
Vepery
Chennai 7.

4. The Assistant Treasury Officer
Ambattur Sub-Treasury
Formerly Tiruvallur District.
Now Chennai District.



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5. The United India Insurance Co Ltd
rep. By The Regional Manager
Egmore
Chennai 8.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the respondents to
reimburse the claim of Rs.1,44,572/- towards medical expenses incurred by
the petitioner for medical treatment undergone by his spouse, within a
limited frame.

For petitioner

...

Ms.R.Deepika Sonali

For respondents

...

Mrs.C.Meera Arumugam
Additional Government Pleader
for R.R.1 to 4

Mr.Sankaranarayanan
for R.5

ORDER

This writ petition has been filed to direct the respondents to
reimburse the claim of Rs.1,44,572/- towards medical expenses incurred by
the petitioner for medical treatment undergone by his spouse, within a
limited frame.



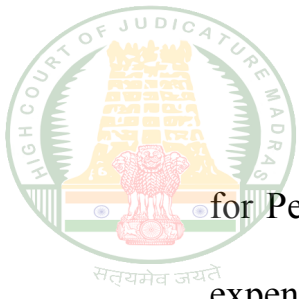
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2. The case of the petitioner in brief are as follows:-

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The petitioner had entered the service as Grade II Police Constable through a selection conducted by the Superintendent of Police, Nagapattinam. Thereafter, he was promoted as Grade – I Police Constable, Head Constable and finally as Special Sub-Inspector and superannuated from the service on 30/4/2020. During his service, the petitioner and his wife have become the member under the New Health Insurance Scheme, 2018. On 8/10/2020, second petitioner, was admitted in Indigo Women's Centre, Annanagar, Chennai, for Uterus removal, thereby, they have spent Rs.1,44,572/-. Hence, the petitioners have made a claim to the fourth respondent, for reimbursement of the medical expenses, but the same was rejected by the fifth respondent on the ground that claimant has not undergone treatment in the listed hospitals under the Scheme. Hence, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

3. The Assistant Treasury Officer, Ambattur, has filed a counter affidavit, wherein it is stated that only in the New Health Insurance Scheme



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for Pensioners, 2018, State Government permits reimbursement of medical expenses, for approved treatments undergone by the pensioners in non-network private hospitals, in case of emergency or following an accident. In such cases, where the beneficiary had approached a non-network hospital, then, he has to pay the medical expenses to the hospital and then seek cash reimbursement for such approved treatment or surgeries undertaken and such reimbursement is subject to eligible medical expenses and ceiling criteria under the said Scheme.

4. It is further stated that for treatments undergone in non-network hospitals, under non-emergency circumstances at the willful option of the Government servant or pensioner, expenditure is required to be met by the individual and Government is not obliged to compensate either under the New Health Insurance Scheme or under the Tamil Nadu Medical Attendance Rules.

5. It is further submitted that the Government have issued guidelines to reimburse the medical expenses incurred by the pensioners/family pensioners, including the spouse, vide D.O.Letter No.37012/Fin



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(Salaries)/2019 – 1, dated 1/11/2019 and Government Letter No.19022/Pension/2021-1 of Finance (Pension) Department dated 29/4/2021, petitioner has a chance to submit the appeal to the High Level Empowered Committee for reimbursement of medical expenses, under the New Health Insurance Scheme, 2014.

6. Perused the materials available on record.

7. In D.O.Letter No.37012/Fin (Salaries) Department/2019-1, dated 1/11/2019, the Guidelines were issued to the District Level Empowered Committee, State Level Empowered Committee and High Level Empowered Committee with respect to medical claims pertaining to New Health Insurance Scheme, 2016 for Employees and New Health Insurance Scheme, 2014 for pensioners. The aforesaid guidelines cover the following four scenarios, namely,

(i). for an approved treatment/surgery undertaken in a network hospital, either a part of the claim or no claim has been settled by the insurance Company



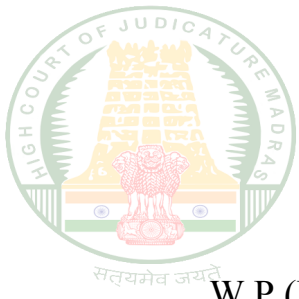
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(ii). For an approved treatment/surgery undertaken in a non-network hospital for emergency care or following an accident

(iii). For an unapproved treatment/surgery undertaken either in network hospital or non-network hospital for emergency care of following an accident and

(iv). For any treatment/surgery undertaken in a non-network hospital for non-emergency care or for an unapproved treatment/surgery undertaken in network hospital for non-emergency care.

8. It is clear from the above guidelines that the Government has decided to consider and examine all the medical claims under item No.IV, pertaining to unapproved treatment/surgery undertaken in network hospital under normal circumstance, i.e., non emergency case and approved and unapproved treatment/surgery undertaken in Non-network hospital under normal circumstance (non-emergency) under the Tamil Nadu Medical Attendance Rules and reimburse medical claims, as per the rates indicated under the Tamil Nadu Medical Attendance Rules.



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9. On an earlier occasion, this Court vide, order dated 28/5/2019 in W.P.(MD) No.13429 of 2016), etc., had directed to reconsider all the claims made by the writ petitioners for medical reimbursement and thus, remitting the matter of the petitioners back to the District Level Empowered Committee for reconsideration.

10. In view of the above, this Court direct the petitioners to approach the High Level Empowered Committee, to consider the claim of the petitioner, to meet the ends of justice. Upon receipt of the same, the High Level Empowered Committee, is directed to follow the guidelines made in D.O.Letter No.37012/Fin (Salaries) Department/2019-1, dated 1/11/2019, and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

11. With the above direction, this writ petition is disposed of. No costs.

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Index: Yes/No

Neutral Citation: Yes/No

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