



W.P.No.19788 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**
W.P.No.19788 of 2020

Usha Bhiman

... Petitioner

Vs.

1. The Principal Secretary to Government,
Rep.by its Finance (Pension)Department,
Secretariat, Rajaji Salai,
Chennai 600 009.
2. The Pension Pay Officer,
Pension pay Office,
Veterinary Hospital Campus,
No.571, Anna Salai,
Chennai 600 035.
3. The Director,
State Level Empowered Committee,
Integrated Finance Complex,
3rd Floor, Veterinary Hospital Campus,
Nandanam, Chennai 600 035.
4. The Joint Director,
District Level Empowered Committee,
Medical and Rural Health Service,
D.M.S Campus,
Teynampet, Chennai 600 018.



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5. The District Treasury Officer,
District Treasure Office, Chennai.

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the rejection of document by the 2nd respondent by proceedings No.P.r.O/Rc.No.26697/D/2020 dated 27.01.2020 and the proceeding of the 4th respondent in No.O.Mu.No.75190/Kipi1/2/2019 dated 09.10.2020 and quash the same and consequently direct the respondents to pay entire medical reimbursement to the petitioner forthwith.

For Petitioner : M/s.A.Ilayaperumal

For R1, R3 & R4 : Mr.K.Tippu Sulthan
Govt.Advocate.

For R2 & R5 : Mr.M.Rajendiran
Addl. Govt.Pleader

ORDER

The present writ petition has been filed challenging the impugned orders passed by the second respondent dated 27.01.2020 and fourth respondent dated 09.10.2020 and to quash the same and for a consequential direction to the respondents to pay entire medical reimbursement to the petitioner forthwith.



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

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The petitioner's husband who was working in the High Court and retired from his service. Her husband was a pensioner and herself are provided with health services card for the purpose of getting assistance from the Government in respect of medical treatment through the New Health Insurance Scheme, 2014. Thereafter, she had undergone the operation on her left knee was replaced by the said hospital on 19.10.2019 and her husband spent Rs.2,46,274/-. Hence, her husband sent a representation dated 27.12.2019 to the respondents to reimburse the above said entire medical expenses. On such receipt of the same, the second respondent vide proceedings dated 27.01.2020 as recommended to place her claim before the District Level Empowered Committee, since they are not satisfied her medical claim. On receipt of the above said proceedings, her husband sent a detailed representation to the respondents 2 and 4. But the fourth respondent was also rejected the same on 09.10.2020, since the treatment was in non-network hospital for non emergency condition, hence, their claim has not recommended for reimbursement. Thereafter, her husband was affected by Covid-19 and later he died on 14.10.2020. Further, she had made a representation to the 2nd and 3rd respondents on



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03.11.2020. However, no action was taken on the said representation.

Hence, the petitioner has filed the present writ petition before this Court.

3. A counter affidavit has been filed by the third respondent on 22.03.2021, wherein in para 23 of the said counter affidavit, it is stated as follows:-

"23. It is further submitted that the Madurai Bench of this Hon'ble Court in its order dated 28.05.2019 in W.P.(MD) No.13429 of 2013 and Batch of 91 cases has directed to reconsider all the claims made by the respective writ petitioners for medical reimbursement and has remitted all the matters back to the District Level Empowered Committee concerned for such reconsideration. The Hon'ble Court has also directed that while reconsidering those matters, the committee shall not reject any claim merely on the reason that the treatment was taken in a non-network hospital or the treatment was a non-listed one. Consequent on the above Court Order, in D.O.Letter No.37012/ Fin (Salaries) Department/2019-1, dated 01.11.2019, Guidelines were issued to the District Level Empowered Committee, State Level Empowered Committee and High Level Empowered Committee for handling appeal cases with respect to medical claims pertaining to NHIS, 2012 for Employees, NHIS, 2016 for Employees (till 30.06.2020) and NHIS, 2014 and NHIS, 2018 for pensioners. The aforesaid Guidelines covers the following four scenarios, namely :-



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- 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.*
- 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 or following an accident.*
- iv) For any treatment/Surgery undertaken in a Non-network hospital for Non-emergency care (or) for an unapproved treatment/surgery undertaken in a network hospital for Non-emergency care.*

4. Heard both sides and perused the materials available on record.

5. In view of the above submissions made by the learned counsel on either side, the petitioner is directed to give a fresh representation before the third respondent/State Level Committee as per the impugned order passed by the fourth respondent dated 09.10.2020, within a period of two weeks from the date of receipt of a copy of this order. On such receipt of the same, the third respondent/State Level Committee may



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consider the same, on merits, in accordance with law, as expeditiously as possible.

6. This writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

06.01.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

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J.SATHYA NARAYANA PRASAD, J.

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