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W.P.No.26742 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.04.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.26742 of 2023

A.Vijayakumaran

...Petitioner

Vs.

1. The State of Tamilnadu
rep. By its Additional Chief Secretary
Finance Department, Fort. St.George,
Chennai – 600 009
2. The Commissioner of Treasuries & Accounts,
Amma Complex, 3rd floor,
Veterinary Hospital Campus
No.571, Anna Salai, Nandanam
Chennai – 600 0035
3. Chennai Metro Water Supply
and Sewerage Board rep. By its
General Manager,
No.1, Pumping Station Road,
Chintadripet, Chennai – 2
4. The Divisional Manager
United India Insurance Company Ltd.,
PLA Rathna Tower, 5th Floor,
Annnasalai, Chennai – 600 006

...Respondents



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Prayer:

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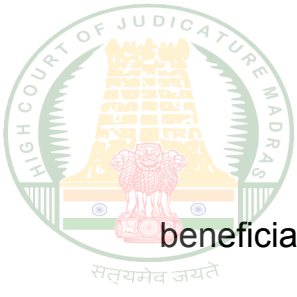
Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 to 4 to reimburse the medical expenses incurred by the petitioner for a sum of Rs.2,21,693/- to the petitioner in terms of G.O.Ms.No.280 dated 24.06.2020.

For Petitioner : Mr.T.Sai Krishnan
For Respondents : Mr.T.M.Rajangam for R1 and R2
Government Advocate
Mr.Jerry V.V.Sundar for R3
Mr.P.Sankaranarayanan for R4

ORDER

This Writ Petition has been filed for an issuance of a Writ of Mandamus directing the respondents 2 to 4 to reimburse the medical expenses incurred by the petitioner for a sum of Rs.2,21,693/- to the petitioner in terms of G.O.Ms.No.280 dated 24.06.2020.

2. According to the petitioner, he joined the services of the 3rd respondent in the year 1982 as Junior Assistant and upon completion of 32 years of unblemished service, the petitioner retired from the post of Senior Accounts Officer on 31.03.2014. The petitioner has been sanctioned with pension and receiving monthly pension from the 3rd respondent. The petitioner is a



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beneficiary and insured under the New Health Insurance Scheme (NHIS) for employees and pensioners/ family pensioners as formulated by the Government of Tamilnadu during the year 2014 and continued vide G.O.Ms.No.222 Finance (Pension) Department dated 30.06.2018. As per the said scheme, a sum of Rs.350/- per month is being deducted every month, as premium, from the pension of the petitioner. While so, the petitioner was affected with COVID 19 and was admitted at SIMS Hospital, Vadapalani, on 06.08.2020 and discharged on 13.08.2020. The petitioner has submitted his claim by way of request letter dated 22.08.2020 to the respondents for reimbursement of the expenses incurred for taking treatment at SIMS Hospital, vadapalani for COVID 19 enclosing the original bills issued by the SIMS Hospital, Vadapalani, till date, the same has not been reimbursed, hence this petition.

3. Per contra, the learned counsel for the 2nd respondent filed a detailed counter affidavit on behalf of the 1st respondent as well and submitted that the petitioner, who is the pensioner herein retired from the 3rd respondent / Chennai Metro Water Supply and Sewerage Board, Chennai had sought a direction to the respondents 2 to 4 to reimburse the medical expenses for a sum of Rs.2,21,693/- to the petitioner in terms of G.O.Ms.No.280 dated 24.06.2020 for the treatment of Covid-19 undergone by the petitioner during the period from 06.08.2020 to



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13.08.2020 at SIMS Hospital, Chennai. Further, in G.O.Ms.No.222 Finance (Pension) Department dated 30.06.2018, orders were issued to continue the effect of the New Health Insurance Scheme, 2018 for pensioners / family pensioners to provide health care assistance to the pensioners (including spouse)/family pensioners on a cashless basis up to Rs.4 Lakh for a block period of four years for the accredited treatment/ surgeries in the approved hospitals through the United India Insurance Company Limited. In view of the guidelines issued in the said G.O., for reimbursement of medical expenses incurred by the pensioner, United India Insurance Company only is liable to settle the claim incurred by the petitioner / pensioner. Since the petitioner is drawing pension through the Chennai Metro Water Supply and Sewerage Board, Chennai, the 1st and 2nd respondents are not liable to settle the above said claim of the petitioner herein and thereby pleaded to reject the claim of the petitioner as against the respondents 1 and 2.

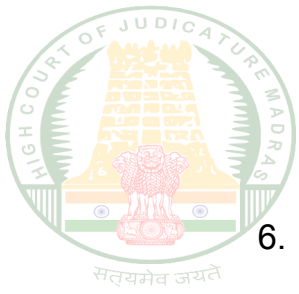
4. On the other hand, the learned counsel for the 3rd respondent filed a detailed counter affidavit and submits that the medical reimbursement claim of the petitioner has been sent directly to the Senior Divisional Manager, United India Insurance Co. Ltd., Chennai by the Finance (Pension) Department of Chennai Metro Water Supply and Sewerage Board vide letter dated 07.12.2020



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for reimbursement. In reply, the United India Insurance Company Ltd., has returned the claim documents vide letter dated 17.12.2020 stating that "In the cited G.O.No.280 dated 24.06.2020, the Government has issued orders for handling Covid-19 treatment separately for critical and non-critical claims for pensioners / family pensioners covered under NHIS issued to the Commissioner of Treasuries and Accounts". On further clarification, the Government has clarified that the amount provided under the G.O., shall be applicable only for non-critical claims of pensioners / family pensioners drawing salary through Treasury Offices Only. Accordingly, the Commissioner of Treasuries and Accounts shall be collecting the application form along with the medical documents from their pensioners and will send their recommendations for processing. Also, the similar claim files, numbering 10 were returned indicating that the claims does not fall under the coverage of G.O.No.280 dated 24.06.2020. The 4th respondent has not given any reply to the 3rd respondent-Board even after sending a 2nd reminder letter on 10.04.2023, thereby pleaded to dismiss the present Writ Petition as against the 3rd respondent.

5. Heard the learned counsels on either side and perused the documents placed on record carefully.



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6. It is no doubt true that the petitioner upon completion of 32 years of service, retired from the post of Senior Accounts Officer on 31.03.2014. The petitioner is a beneficiary and insured under the New Health Insurance Scheme (NHIS) for employees and pensioners/ family pensioners as formulated by the Government of Tamilnadu during the year 2014 and continued vide G.O.Ms.No.222 Finance (Pension) Department dated 30.06.2018. Further, as per the scheme, a sum of Rs.350/- per month is being deducted every month, as premium, from the pension of the petitioner. While so, the petitioner was affected with COVID 19 and was admitted to SIMS Hospital, Vadapalani, on 06.08.2020 and discharged on 13.08.2020. The petitioner has submitted his claim by way of a request letter dated 22.08.2020 for reimbursement of the expenses incurred for taking treatment at SIMS Hospital, Vadapalani for COVID 19 enclosing the original bills issued by the SIMS Hospital. The claim was forwarded to the 3rd respondent and the 3rd respondent has forwarded the same to the 2nd respondent on 22.09.2020. According to the respondent No. 2, there is no provision for the medical reimbursement, as the petitioner is drawing a pension from the 3rd respondent-board. Therefore, the petitioner was asked to claim before the 3rd respondent-board for medical reimbursement. Consequently, the petitioner claimed the same before the 3rd respondent, inturn, the 3rd respondent forwarded the proposals to the 4th respondent and the 4th respondent returned the medical



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claims of the petitioner indicating that the claim does not fall under the G.O.No.280 and it is applicable to only non-pensioners or family pensioners and the employees drawing salary.

7. It is pertinent to point out that the petitioner sent the particulars to the Chief Secretary to Government and the Additional Chief Secretary to Government vide Letter No.3691/MW2/2021-2, dated 31.03.2021 sent a reply directing the 3rd respondent to take a decision as indicated by NHIS 2018 and G.O.(Ms.)222, Finance (Pension) Department dated 30.06.2018.

8. According to the respondents, the petitioner does not fall under the category mentioned in G.O.Ms.No.280 dated 24.06.2020 and the petitioner also does not fall under the category of government servant and he has to claim only through the said department, ie., 3rd respondent / Board. The learned counsel for the 3rd respondent also submits that the amount will only be paid after the matter has been decided by the Board regarding the issue viz., whether the petitioner is entitled to the corpus of the insurance company which has been deposited by the Government of Tamilnadu or the corpus to be maintained by the Board.

9. Considering the above said facts and circumstances of the case, this Court is inclined to dispose of the Writ Petition by directing the 3rd respondent-



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Board to take a decision as to whether the petitioner is entitled from the corpus of the insurance company which has been deposited by the Government of Tamilnadu or the corpus to be deposited by the Board, within a period of 16 weeks from the date of receipt of copy of a order and the amount shall be paid to the petitioner within a period of four weeks thereafter. No costs.

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Index : Yes / No

Internet : Yes / No

Speaking Order / Non Speaking Order

ssd

To

1. The State of Tamilnadu
rep. By its Additional Chief Secretary
Finance Department, Chennai – 600 009
2. The Commissioner of Treasuries & Accounts,
Amma Complex, 3rd floor,
Veterinary Hospital Campus
No.571, Anna Salai, Nandanam
Chennai – 600 0035
3. Chennai Metro Water Supply
and Sewerage Board rep. By its
General Manager,
No.1, Pumping Station Road,
Chintadripet, Chennai – 2
4. The Divisional Manager
United India Insurance Company Ltd.,
PLA Rathna Tower, 5th Floor,
Annnasalai, Chennai – 600 006



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V.BHAVANI SUBBAROYAN, J.

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