



WEB COPY



W.A No. 3415 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No.3415 of 2025

and

C.M.P.No.27912 of 2025

1. The State Level Empowered Committee
New Health Insurance Scheme of Pensioners
(Including Spouse) / Family Pensioners
Integrated Office Complex for Finance Department
Veterinary Hospital Campus, Nandanam
Chennai-600 035.
2. The Director of Medical and Rural Health Service
Chennai District
Teynampet, Chennai-600 006.
3. The Chairman / District Collector
The District Level Empowered Committee
New Health Insurance Scheme of Pensioners
(Including Spouse) / Family Pensioners
Chennai District Collectorate
Chennai-600 001.

..Appellants

Vs

S.Chaya Devi
W/o.K.V.Selvaraju

..Respondent



W.A No. 3415 of 2025

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 18.01.2024 made in W.P.No.14750 of 2022 and thereby allow the writ appeal.

For Appellants : Mr.Azizulla Khan
Government Advocate
For Respondent : Mr.K.V.Muthu Visakan

J U D G M E N T

(Made by **HEMANT CHANDANGOUDAR, J.**)

The challenge in this intra-Court Appeal is to the order dated 18.01.2024 passed by the learned Single Judge in W.P. No.14750 of 2022. By the said order, the learned Single Judge set aside the order passed by the second appellant rejecting the claim of the respondent/writ petitioner for reimbursement of medical expenses and directed the appellants to reimburse a sum of Rs.3,06,594/- towards medical expenses, with interest at 9% per annum from 26.02.2020.

2. The husband of the respondent/writ petitioner, after retiring from service in the Commercial Tax Department, enrolled himself under the New Health Insurance Scheme (NHIS) for pensioners/family pensioners as per G.O.Ms.No.222 dated 30.06.2018. The annual premium was also deducted from



W.A No. 3415 of 2025

the pension of the petitioner's husband. The respondent/writ petitioner, who was suffering from severe pain in her right hip on 02.02.2020, was taken to Sundarapandian Bone and Joint Hospital for treatment. She was advised to undergo surgery and was admitted as an in-patient on 02.02.2020. On 03.02.2020, she underwent right hip replacement surgery and was discharged on 07.02.2020. She incurred medical expenses to the tune of Rs.3,06,594/-.

3. The case of the respondent/writ petitioner is that reimbursement of medical expenses was denied on the ground that she had taken treatment in a non-network hospital for a non-emergency condition. The learned Single Judge passed the impugned order holding that the surgery undergone by the respondent/writ petitioner was necessitated by an emergency condition. The learned Single Judge further held that although the treatment was taken in a non-network hospital, the respondent/writ petitioner was entitled to reimbursement and accordingly directed payment.

4. Mr. Azizulla Khan, learned Government Advocate appearing for the appellants, submitted that G.O.Ms.No.222 dated 30.06.2018 is applicable only to



W.A No. 3415 of 2025

persons who undergo treatment in network hospitals during hospitalization for emergency care. Thus, according to him, the respondent/writ petitioner is not entitled to reimbursement. He contended that, in the present case, treatment was taken in a non-network hospital for a non-emergency condition and therefore the impugned order is unsustainable. He further submitted that the award of interest at 9% per annum is exorbitant and liable to be reduced.

5. In response, Mr. K.V. Muthu Visakan, learned counsel for the respondent/writ petitioner, submitted that the learned Single Judge, having duly considered that the respondent/writ petitioner underwent treatment in a non-network hospital on account of an emergency condition and having applied G.O.Ms.No.222 dated 30.06.2018, rightly granted relief. He therefore submitted that the impugned order warrants no interference.

6. The submissions of the learned counsel on either side and the materials available on record have been considered.

7. The learned Single Judge, by the impugned order, observed that as per



W.A No. 3415 of 2025

G.O.Ms.No.222 dated 30.06.2018, medical expenses incurred in a non-network hospital during hospitalization for emergency care shall be reimbursed by the Insurance Company, subject to ceiling criteria, upon submission of a claim by the beneficiary. The learned Single Judge further noted that the respondent/writ petitioner had previously undergone treatment for hip pain and had been advised medication. On 02.02.2020, she experienced unbearable and severe pain in her right hip and was unable to stand or sit, necessitating her being taken to the same hospital, where she was advised immediate surgery. She accordingly underwent hip replacement on 03.02.2020.

8. The learned Single Judge held that the respondent/writ petitioner underwent a major surgery on medical advice and was evidently in an emergency condition requiring immediate treatment. It was also noted that she had been taking continuous treatment in the same hospital and that, particularly in orthopaedic cases, continuity of care is advisable. Hence, in such circumstances, the patient cannot be expected to shift to a network hospital. The reasons assigned by the learned Single Judge are in consonance with G.O.Ms.No.222 dated 30.06.2018 and cannot be termed perverse or arbitrary. The findings



W.A No. 3415 of 2025

therefore warrant no interference.

WEB COPY

9. The appellants have not disputed the medical bills submitted by the respondent/writ petitioner seeking reimbursement of expenses incurred for her surgery. In these circumstances, the learned Single Judge was justified in directing reimbursement. However, we are of the view that the interest awarded at 9% per annum is excessive and that it would suffice if the same is modified to 6% per annum.

10. In light of the foregoing discussion, the following order is passed:

(a) The impugned order of the learned Single Judge directing reimbursement of Rs.3,06,594/- to the respondent/writ petitioner is sustained;

(b) However, the rate of interest is modified from 9% per annum to 6% per annum from 26.02.2020 until the date of actual payment; and

(c) The appellants are granted two months' time to



W.A No. 3415 of 2025

WEB COPY

comply with the directions issued.

11. Accordingly, the **Writ Appeal** is allowed in part. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(R.S.K.,J) (H.C., J)

13.11.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

mk



WEB COPY



W.A No. 3415 of 2025

R. SURESH KUMAR, J.

and

HEMANT CHANDANGOUDAR, J.,

mk

W.A No. 3415 of 2025

13.11.2025