



W.P.(MD)No.27280 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)Nos.27280 of 2024

and

W.M.P(MD)Nos. 23104 of 2024

S.Prathapsingh

... Petitioner

Vs.

- 1.The Principal Secretary to
Government of Tamil Nadu,
Healthy and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Additional Chief Secretary
to Government of Tamilnadu,
Finance (Salaries) Department Secretariat,
Fort St.George, Chennai-600 009.
 - 3.The Joint Director,
Medical and Rural Health Service,
Kottar Nagercoil,
Kanniyakumari District - 629 002.
 - 4.The Deputy Director / PA to District Collector,
District Land Survey Office, Nagercoil,
Kanniyakumari -629 002,
Kanniyakumari.
 - 5.United India Insurance Company Ltd.,
Divisional Office : 010600, Siling Buildings,
134, Greams Road, Chennai - 600 006.
- ... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned communication in Ref 010600/CRS/CRS-107/68/2024 dated 15.04.2024 by the 5th respondent and quash the same and directing the respondents no. 1 to 3 to reimburse medical bill to the tune of Rs.1,94,211/- paid by the petitioner for medical treatment incurred by his mother namely Prema with interest.

For Petitioner : Mr.R.Aravindraj

For R1 to R4 : Mr.T.Amjadkhan
Government Advocate

For R5 : Mr.I.Suthakaran

ORDER

The instant writ petition has been filed by a Government employee challenging the order passed by the fifth respondent herein on 15.04.2024 wherein the request of the petitioner for medical reimbursement has been rejected.

2. The petitioner herein was appointment as a Senior Draftsman in the Revenue Department / Survey and Land Records. On his



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appointment, he became a member of the health insurance scheme and he is entitled to seek medical reimbursement whenever medical expenses are incurred by him or his family members. After getting employment, the petitioner got married.

3. The petitioner's mother was diagnosed with Covid-19 and she was admitted to a private hospital on 09.05.2021 and she took treatment till 17.05.2021 and the hospital has raised a bill for a sum of Rs. 1,94,211/-. After discharge, the petitioner has submitted a claim petition to the fifth respondent through the fourth respondent. Under the impugned order, the fifth respondent has rejected the said claim on the ground that under the new health insurance scheme once the employee gets married, parents will not be covered under the scheme. The said order is put to challenge in the present writ petition.

4. According to the learned counsel appearing for the writ petitioner, a writ petition with similar set of facts was allowed by this Court in ***W.P.(MD)No.7861 of 2021 dated 19.06.2024*** between ***S.Felixraj Vs The Principal Secretary to Government of Tamil Nadu***



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and 5 others. He also relied upon a judgment of the Hon'ble Division Bench of this Court made in ***W.A.(MD)No.1472 of 2018 dated 24.10.2018*** between ***The Senior Regional Manager, Tamil Nadu State Marketing Corporation Ltd., Madurai and another vs S.Veerapandi and another.***

5. Learned counsel appearing for the petitioner had also relied upon a judgment of the learned Single Judge of this Court in ***W.P(MD)No.35621 of 2019 dated 02.01.2020*** between ***R.Kathiravan Vs The Principal Secretary to Government of Tamil Nadu and four others*** and contended that a purposive interpretation has to be given to the word 'family members'. Therefore merely because the employee gets married the parents cannot be excluded from the list of beneficiaries. When the mother of the petitioner continues to be dependent upon the writ petitioner, excluding her from the list of beneficiaries would not be in any way result in purposive interpretation of the word 'family members'. Hence he prayed for setting aside the order of the fifth respondent and sought for reimbursement.



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6. Per contra, the learned standing counsel appearing for the fifth respondent herein relying upon Annexure-1 to G.O.Ms.No.202, Finance (Salaries) Department dated 30.06.2016 had contended that the family members who could be the beneficiaries under the scheme are enumerated under the clause 4 of the said annexure. He pointed out that the parents of an employee could continued to be beneficiaries until the employee gets married. Since, the petitioner is a married person, the mother of the employee is not covered under the new health insurance scheme, 2016. Therefore, he prayed for dismissal of the writ petition.

7. Learned Additional Government Pleader appearing for the fifth respondent also relied upon the definition of 'family member' to the Annexure-1 in the G.O and reiterated that once the employee gets remarried his / his parents would not be covered under the scheme.

8. I have carefully the submission made on either side and perused the materials on record.

9. The petitioner's mother had under gone treatment for Covid-19 between 09.05.2021 and 17.05.2021. Therefore, there is no dispute that



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G.O.Ms.No.202, Finance (Salaries) Department dated 30.06.2016, is applicable to the period of treatment. A perusal of Annexure-1 to the said G.O. clearly reveals that only the enlisted family members of an employee are covered under the National Health Insurance Scheme, 2016. The legal spouse, children, parents of the employee, (till the employee remains unmarried) and physically challenged and mentally retarded children of an employee without any age restrictions are entitled to be beneficiaries under the new health insurance scheme. Therefore it is clear that the petitioner having got married, the mother cannot be a beneficiary as per the National Health Insurance Scheme, 2016. In such circumstances, this Court does not find any illegality or infirmity in the order passed by the fifth respondent herein.

10. The Hon'ble Division Bench of this Court in ***W.A(MD)No. 1472 of 2018 dated 24.10.2018*** between ***The Senior Regional Manager, TASMACH, Madurai and another vs S.Veerapandi and another*** has categorically held that under Tamil Nadu Government Employees Health Fund Rules, 1991, parents are also considered as a family members for seeking benefits.



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11. The petitioner being a Government servant is covered by the Tamil Nadu Government Employees Health Fund Rules, 1991. In case, if the petitioner's request for reimbursement is not covered under the New Health Insurance Scheme, 2016, the petitioner has got a right to take a course to the Tamil Nadu Government Health Fund Rules, 1991. Under such Rules, the petitioner has to submit his application to the Head of the Department namely the fourth respondent. On submission of the application along with relevant records, the fourth respondent has to forward the same to the second respondent for passing appropriate orders, within a period of eight weeks from the date of receipt of the application. The second respondent is directed to dispose the same within a period of twelve weeks thereafter.

12. With the above said direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

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NCC : Yes / No
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To

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