



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21591 of 2021

and

W.M.P. (MD) No.18146 of 2021

WEB COPY

P.Thangaraj

... Petitioner

-Vs-

1. The Principal Secretary / Commissioner, Treasuries and Accounts Department, Integrated Office Complex for Finance Department, Veterinary Hospital Campus, Nandanam, Anna Salai, Chennai-600 035.
2. The Finance Secretary, Government of Tamil Nadu, Fort St.George, Chennai-600 009.
3. The District Collector, Ramanathapuram District.
4. The District Treasury Officer, Ramanathapuram District.
5. The Nodal Officer, United India Insurance Co. Ltd., V Floor, P.L.A. Rathna Towers, 212, Anna Salai, Chennai-600 006.
6. The Assistant Treasury Officer, Paramakudi, Ramanathapuram District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order of the 6th respondent vide his proceedings in Na.Ka.No.664/2020/A4 dated 16.11.2020 and quash the same as arbitrary and illegal and consequently, direct the respondents 1 to 6 to reimburse the amount of Rs. 60,182/- (Sixty Thousand Hundred and Eighty Two Only) with 12% interest.

For Petitioner	:	Mr.P.T.Ramesh Raja
For R1 to R4 & R6	:	Mr.N.Satheesh Kumar, Additional Government Pleader.
For R5	:	Mr.A.Shajahan



ORDER

The order passed by the 6th respondent, communicating the decision of the 5th respondent with reference to the rejection of the medical reimbursement claim of the petitioner, is under challenge in the present Writ Petition.

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2. The petitioner is a retired Sub-Inspector of Police and member of the New Health Insurance Scheme, 2016. His wife was suffered from stomach pain and admitted in the hospital. She underwent certain medical treatments and initially, the petitioner was informed that such treatments are not listed in the approved treatments as per the policy. However, the treatment was continuing.

3. This Court cannot ascertain further treatments, if any, given to the wife of the petitioner, which is available in the Government policy. However, the fact remains that the District Level Empowered Committee recommended the case of the writ petitioner, which was communicated by the Joint Director of Health Services to the District Treasury Officer and therefore, the decision of the District Level Empowered Committee is to be implemented by the Insurance Company. If at all the Insurance Company is disagreeing with the decisions of the District Level Empowered Committee, the Insurance Company is at liberty to file an appeal before the State Level Empowered Committee or to approach the Government with reference to the terms and conditions of the contract regarding over payment, if any paid beyond the scope of the Health Insurance Scheme. Contrarily, the Insurance Company cannot overwrite the decisions taken by the District Level Empowered Committee.

4. Once the Health Insurance Company provides guidelines, conferring powers on the District Level Empowered Committee and State Level Empowered Committee, the decisions taken by the competent committee are to be implemented by the concerned authority, including the insurance company. Contrarily, the insurance company cannot take an independent decision, disagreeing with the decisions of the committee, so as to deprive the eligible member to get medical reimbursement claim. In the event of accepting two decisions of the District Level Empowered Committee and insurance company, this Court is of the considered opinion that the very purpose and object of the scheme would be defeated. Therefore, in the event of any grievance in respect of the decision of the District Level Empowered Committee, the insurance company is at liberty to approach the appellate authority as per the scheme itself.

5. In the present case, the claim of the writ petitioner has already been recommended by the District Level Empowered Committee and therefore, the insurance company is liable to settle the amount <https://hescertes.mahaonline.gov.in/objection> in respect of the decision of the District Level



Empowered Committee either before the State Level Empowered Committee or before the Government for seeking refund of the excess amount, if any paid to the member.

6. In view of the facts and circumstances of the case, the order impugned passed by the 6th respondent in proceedings dated 16.11.2020 is quashed and the 5th respondent / United India Insurance Company is directed to settle the eligible medical reimbursement claim amount to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022
Sub Assistant Registrar (CS)

Myr

To

1. The Principal Secretary / Commissioner,
Treasuries and Accounts Department,
Integrated Office Complex for Finance Department,
Veterinary Hospital Campus, Nandanam,
Anna Salai, Chennai-600 035.

2. The Finance Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.

3. The District Collector,
Ramanathapuram District.

4. The District Treasury Officer,
Ramanathapuram District.

5. The Assistant Treasury Officer,
Paramakudi, Ramanathapuram District.

+1 CC to M/s.T.ARUL, Advocate (SR-9392[F] dated 02/03/2022)

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-9368[F] dated 01/03/2022)

+1 CC to M/s.SPL GP (SR-9201[F] dated 01/03/2022)

W.P. (MD) No. 21591 of 2021
28.02.2022

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<https://hcservices.ecourts.gov.in/hcservices/>