



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM:

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THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21356 of 2016

D.Sornam

: Petitioner

Vs.

1. The Director of Pension,
DMS Complex, Chennai - 6.
2. The District Collector,
Theni District.
3. The Joint Director of Medical and Rural Health Services and
Family Welfare, Theni at Periyakulam, Theni District.
4. The Treasury Officer,
District Treasury,
Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to reimburse Rs.4,11,000/- (Rupees four Lakhs and eleven thousands only) being the actual medical expenditure incurred by the petitioner for the treatment given to the petitioner's wife for the Chronic obstructive Pulmonary disease- AcuteExacerbation - Old Pulmonary Tuberculosis Diabetes Mellitus Type 2 - Breathing Problem undergone by the petitioner's wife in Appollo Speciality Hospital, Madurai within a specified period that may be fixed by this Court.

For Petitioner	: Mr.R.Rengaramanujan
For Respondents	: Mr.M.Murugan, Government Advocate.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to reimburse Rs.4,11,000/- (Rupees four lakhs and eleven thousands only) being the actual medical expenditure incurred by the petitioner for the treatment given to his wife for the Chronic obstructive Pulmonary disease.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

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3.0. The brief facts leading to the filing of this writ petition are as follows:

The petitioner was retired from service as Assistant in Backward Classes and Most Backward Classes Department, on 31.03.2003. The petitioner is contributing to the Employees Health Fund Scheme, from the year 1995.

3.1. The petitioner's wife suffered from breathing and lungs problem. The petitioner admitted her at Apollo Speciality Hospitals at Madurai and incurred an expenditure of Rs.4,11,000/-. The petitioner is entitled to claim Rs.2,00,000/-, under the New Health Insurance Scheme.

3.2. The petitioner applied for reimbursement on 08.07.2015 and the same was verified and forwarded by the respondents 2 and 3. The District Level Empowered Committee in respect of Theni District recommended the case of the petitioner under New Health Insurance Scheme on 17.12.2015. Despite the recommendation made, the first respondent is yet to sanction the amount and therefore, this writ petition has been filed.

4. The learned Government Advocate appearing for the respondents would submit that the petitioner is entitled to claim only a sum of Rs.2,00,000/- in the light of New Health Insurance Scheme as well as G.O.No.462, Finance (Pension) Department, dated 27.12.2013 and it is agreeable for the first respondent to sanction the claim of the petitioner in the light of the New Health Insurance Scheme as well as G.O.No.462, Finance (Pension) Department, dated 27.12.2013.

5. Recording the submission made by the learned Government Advocate appearing for the respondents, the first respondent is directed to sanction the claim of the petitioner in the light of the recommendation made by the District Level Empowered Committee, New Health Insurance Scheme as well as G.O.No.462, Finance (Pension) Department, dated 27.12.2013, within a period of eight weeks, from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)



To

1. The Director of Pension,
DMS Complex, Chennai - 6.

2. The District Collector,
Theni District.

3. The Joint Director of Medical and Rural Health Services and
Family Welfare, Theni at Periyakulam,
Theni District.

4. The Treasury Officer,
District Treasury,
Theni District.

+ 1 CC TO Mr.R.RENGARAMANUJAN, ADVOCATE IN SR No. 66563
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67002

SMN

TE/GSV-PM : 23/11/2016 : 3P/7C

ORDER MADE IN
W.P (MD) No.21356 of 2016
08.11.2016