



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 09.05.2017

WEB COPY

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.18096 of 2016

P.Rajamani

...Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2. The MD India Health care Services (TPA) Pvt.Ltd.,
No.27, Laxmi Towers, 3rd Floor,
Dr.Radha Krishnan salai,
Mylapore,
Chennai- 600 004.

3. The District Treasury Officer,
Office of the Treasury Officer,
Madurai.

...Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records connected with the proceeding in O.Mu.No.55/2015/M1 dated Nil.11.2015 signed on 01.12.2015 on the file of the respondent No.3 and quash the same as illegal consequently directing the respondents to reimburse the medical expenses Rs.1,10,568/- spent for petitioner's medical treatment within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani
For Respondents : Mr.S.Kumar,
Additional Government Pleader
For R1 & R3

ORDER

The prayer in the Writ Petition is for a Writ of Certiorarified Mandamus calling for the records in respect of the proceedings in O.Mu.No.55/2015/M1 dated Nil. signed on 01.12.2015 on the file of the third respondent and quash the same and consequently direct the respondents to reimburse the medical expenses of Rs.1,10,568/- spent for the petitioner's medical treatment within the time to be stipulated by this Court.



2.The facts in nutshell which lead to file this writ petition is that, the petitioner is a retired employee of the State Government and he has been covered with the Government of Tamil Nadu Medical Scheme-2014 which is otherwise called as Tamil Nadu New Health Insurance Scheme -2014.

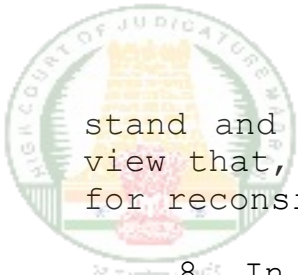
3.The petitioner had gone for medical treatment on 04.03.2015 to one LP Hospital at Palanganatham, Madurai. After diagnosing the infection on his right leg, the doctors advised him to undergo a major surgery immediately to remove all the fingers in his right leg. Since the medical advise was given to take the treatment/surgery immediately the petitioner had undergone the surgery forthwith and for the said surgery he had spent Rs.1,10,568/- as medical and sundry expenses. The said surgery was performed on 06.03.2015 and he was discharged from the hospital on 23.03.2015. Thereafter, he sent a representation to the District Treasury Officer, Madurai along with relevant documents for taking necessary steps to reimburse the medical expenses as he is a pensioner and also the member of the Insurance Scheme.

4.The petitioner further understood that the Treasury Officer, in turn, had forwarded the said request of the petitioner to the first respondent and he had forwarded the same to the second respondent. Though a representation was sent on 23.04.2015, no action was initiated to reimburse the medical expenses. Therefore, the petitioner had approached this Court by filing a Writ petition in W.P.(MD).No.21505 of 2015 wherein by a final order, this Court on 03.12.2015 directed the respondents to consider the request of the petitioner dated 23.04.2015 and take a decision thereon within a period of 6 weeks.

5.Though such an order was passed by this Court on 03.12.2015, the petitioner had received a communication dated Nil but signed by the third respondent on 01.12.2015. In the said communication, the third respondent had stated that as per reference Nos.1 and 2, since the petitioner had undergone the treatment which is an unapproved hospital, his request was turned down. Challenging the said order, the petitioner has filed the present writ petition.

6.Heard both sides.

7.On perusal of the Impugned Order which is just three lines, it is stated that as per reference Nos.1 and 2, the request of the petitioner was turned down. Though in the reference at (1) G.O.Ms.No.171 (Finance Department), dated 26.06.2014 (2) The District Level Committee meeting dated 03.09.2015 has been referred, the said documents have not been annexed along with the Impugned order. If at all, any decision has been taken by the District Level Committee in the meeting dated 03.09.2015, the same should have been communicated to the petitioner. Without which the cryptic order passed by the third respondent, which is impugned herein, cannot



stand and therefore this Court after hearing both sides is of the view that, this is a matter which can be remanded to the respondents for reconsideration in accordance with law.

8. In the result, the Impugned order is quashed and the matter is remanded to the District Level Empowered Committee headed by the District Collector concerned to re-look into the matter and decide the same in respect of the claim made by the petitioner for medical reimbursement as per the Tamil Nadu New Insurance Health Scheme 2014-2016, after giving an opportunity of being heard to the petitioner and pass final orders within a period of 8 weeks from the date of receipt of copy of this order.

9. With these directions, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
2. The District Treasury Officer,
Office of the Treasury Officer,
Madurai.
3. The District Collector,
District Level Empowered Committee,
Madurai.

+ 1 cc TO Mr.S.Malaikani , Advocate in SR No. 56050
+ 1 cc TO The Special Government Pleader in SR No. 56128

MSA/SSL
AE/SV MMS/SAR1/21.11.2017/3P/6C

W.P (MD) No.18096 of 2016
09.05.2017